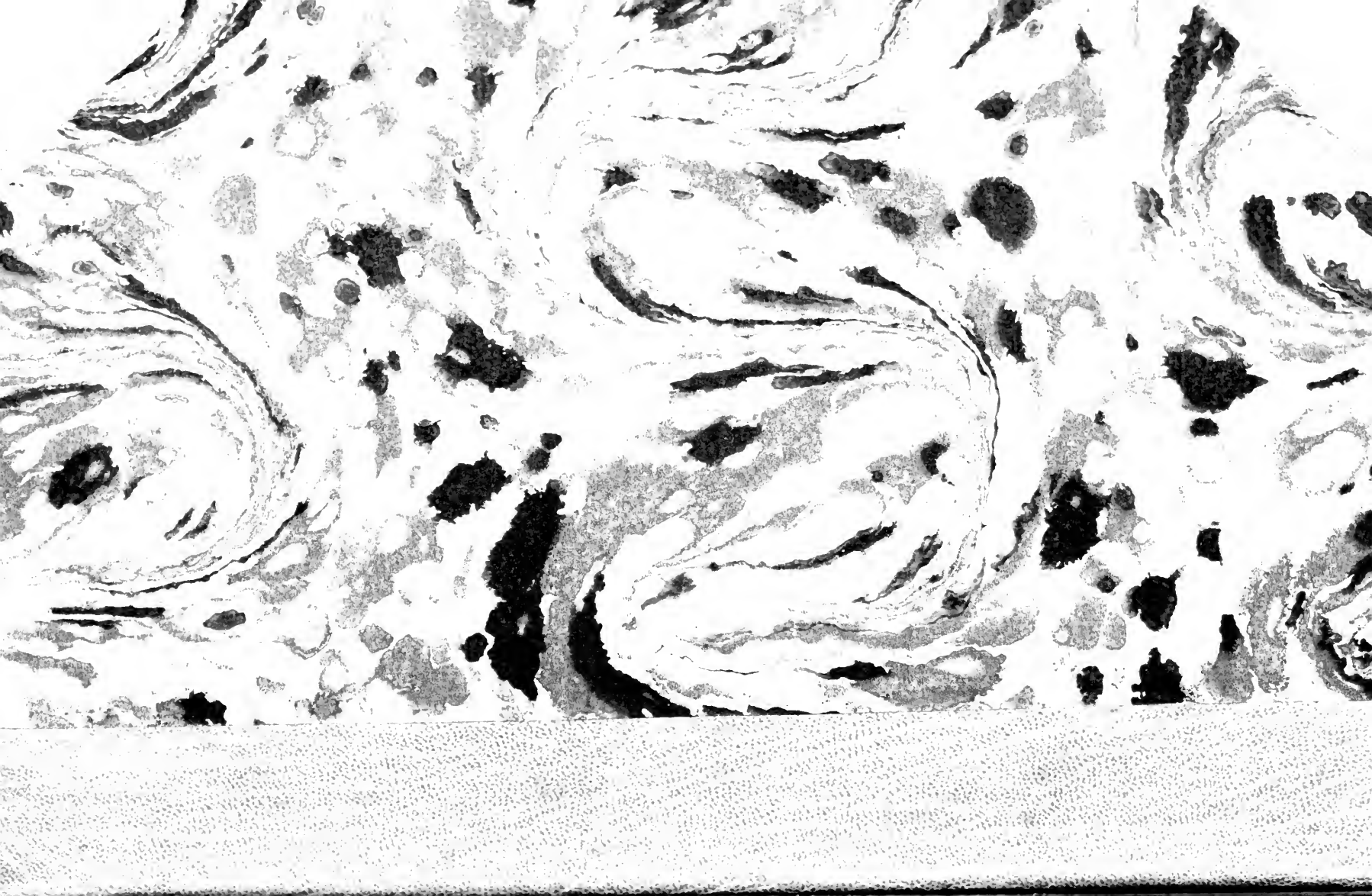

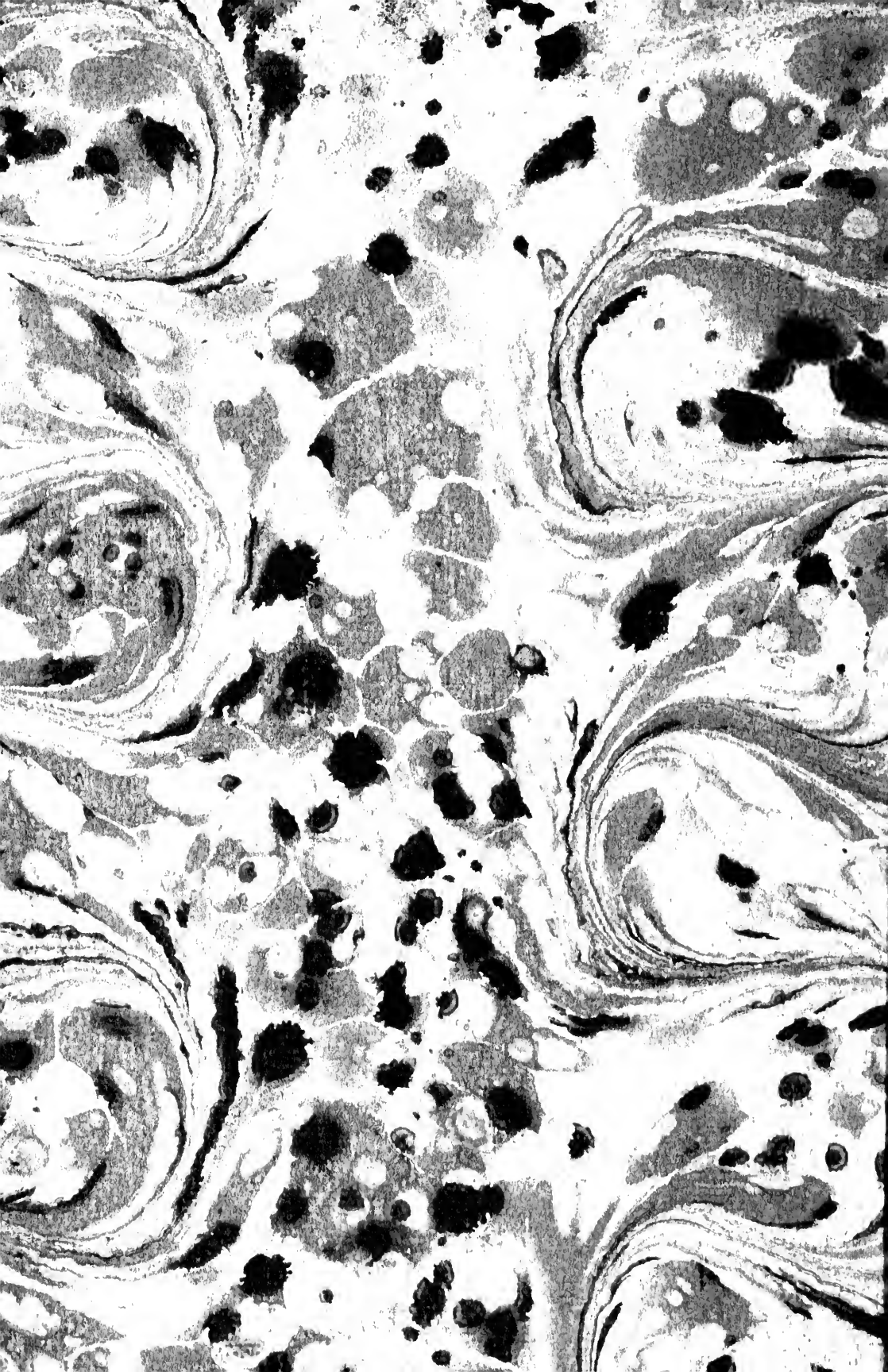

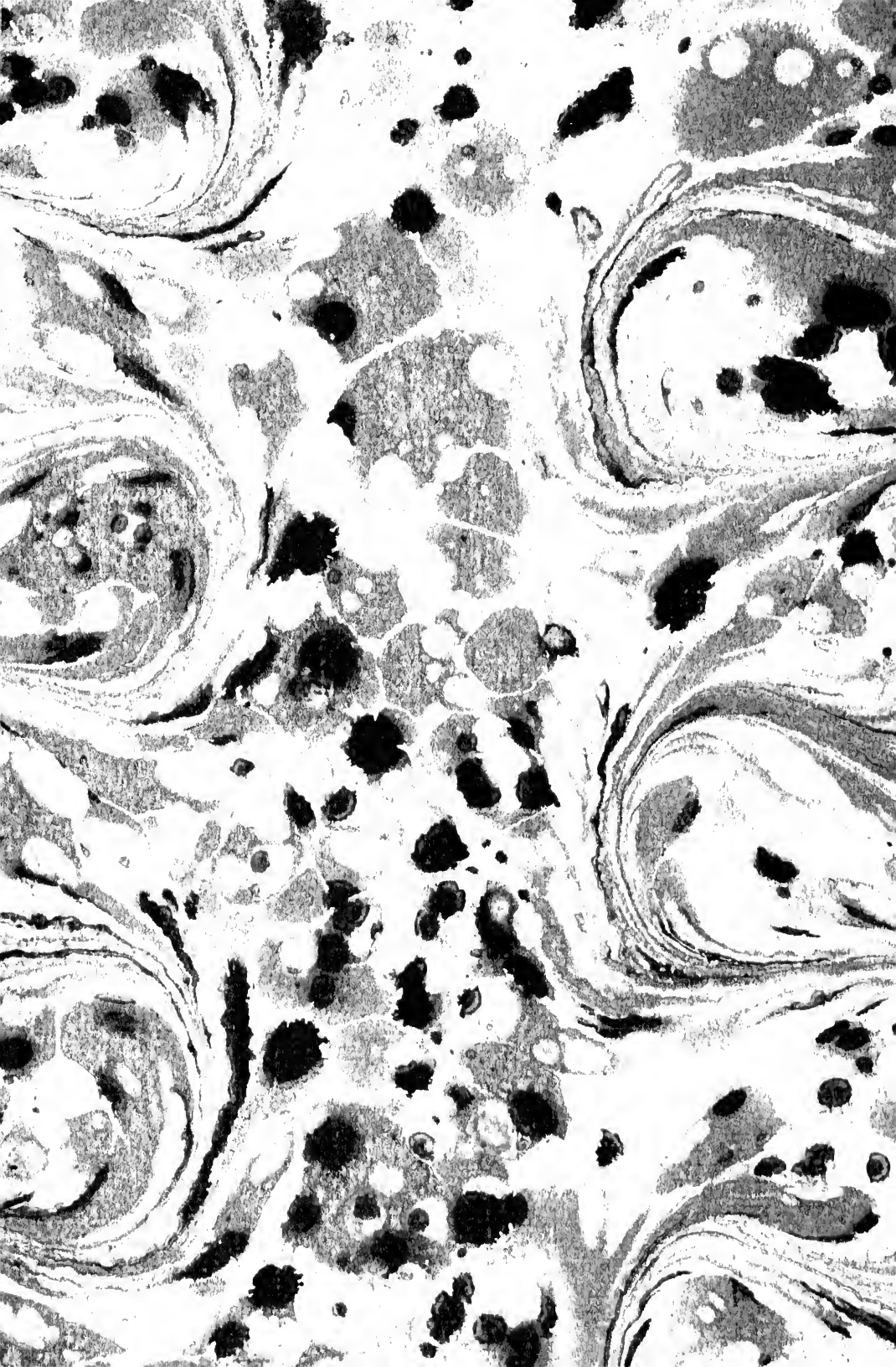

Gov. Altgeld's Pardon

AND

The Modern Tragedy,

DOWNFALL OF THE SMALL PRODUCER

— AND —

THE CRISIS.

Its Cause and Cure as Explained and Proposed by Socialism.

NEW YORK LABOR NEWS COMPANY,

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THE CHICAGO MARTYRS VINDICATED.

—o—

THEIR ASSASSINS ON THE PILLORY.

—o—

[From the NEW YORK PEOPLE.]

Workingmen of America!

Below are the grounds given by John P. Altgelt, the Governor of Illinois, for pardoning the surviving martyrs of the capitalist conspiracy that culminated with the judicial murders of November 11, 1887.

Read this document; engrave every word of it on your minds and your hearts.

It attests, under the highest official seal of the State of Illinois; that the sole responsible agencies for the Haymarket tragedy of May 5, 1886, were Captain John Bonfield and other members of the Chicago police (whose brutality had terrorized the working people of that city) together with with those equally culpable officials, who allowed the police felonies to go unpunished, and who opened wide the doors of the prisons but shut tight those of the Courts of Justice to the injured laboring classes; that the jury that convicted Parsons, Spies, Fischer, Engel, Lingg, Fielden, Schwab and Neebe was criminally packed by the officers of the Court; that in this heinous deed Judge Gary, State Attorney Julius S. Grinnell and Special Bailiff Henry L. Ryce were virtually and actually in collusion; that all of them acted throughout the trial with indecent ferocity, in violation of their oaths of office, in deference to the clamor and obedient to the mandates of the employing class, whose approval they corruptly sought to win; that the most important witnesses for the State were bribed or bulldozed to testify under dictation of the conspirators; that, accordingly, the trial and the enforcement of all its decrees was rank anarchy, and a blot upon civilization; and that all the prisoners were innocent.

Thus this black and damnable conspiracy of the capitalist class to cow the Labor Movement has proved a boomerang. The guns loaded for us have kicked backward. The capitalist class and its machinations mount the pillory; the victims emerge with all the glory that at all times has been the meed of martyrdom.

The aiders and abettors in this crime, the accessories before and after its commission, was the capitalist press of the country. After having vainly striven to poison the public mind with calumnies and fabrications against the men whose death they had demanded like blood-hounds, they now seek to smother by a conspiracy of silence the indictment of their conduct which they read between the lines of the Statement of Governor Altgelt.

In view of this fact, THE PEOPLE yields to this historic document the right of way in to-day's issue, and publishes it here in full, literally as it appears in the original, italics and all.

Governor John P. Altgelt's Statement.

On the night of May 4, 1886, a public meeting was held on Haymarket square in Chicago. There were from 800 to 1,400 people present, nearly all being laboring men. There had been trouble, growing out of an effort to introduce the eight-hour day, resulting in some collisions with the police, in one of which several laboring people were killed, and this meeting was called as a protest against alleged police brutality.

The meeting was orderly and was attended by the mayor, who remained until the crowd began to disperse and then went away. As soon as Captain John Bonfield, of the police department, learned that the mayor had gone, he took a detachment of police and hurried to the meeting for the purpose of dispersing the few that remained, and as the police approached the place of the meeting a bomb was thrown by some unknown person, which exploded and wounded many and killed several policemen, among the latter being one Mathias Degan. A number of people were arrested, and after a time August Spies, Albert R. Parsons, Louis Lingg, Michael Schwab, Samuel Fielden, George Engle, Adolph Fischer and Oscar Neebe were indicted for the murder of Degan. The prosecution could not discover who had thrown the bomb, and could not bring the really guilty man to justice, and, as some of the men indicted were not at the Haymarket meeting and had nothing to do with it, the prosecution was forced to proceed on the theory that the men indicted were guilty of murder because it was claimed they had at various times in the past uttered and printed incendiary and seditious language, practically advising the killing of policemen, of Pinkerton men and others acting in that capacity, and that they were therefore responsible for the murder of Mathias Degan. The public was greatly excited, and after a prolonged trial all of the defendants were found guilty. Oscar Neebe was sentenced for fifteen years' imprisonment, and all of the other defendants were sentenced to be hanged. The case was carried to the supreme court and was there affirmed in the fall of 1887. Soon thereafter Lingg committed suicide. The sentence of Fielden and Schwab was commuted to imprisonment for life, and Parsons, Fischer, Engle and Spies were hanged, and the petitioners now ask to have Neebe, Fielden and Schwab set at liberty.

Basis for Appeal of Pardon.

The several thousand merchants, bankers, judges, lawyers and other prominent citizens of Chicago who have by petition, by letter and in other ways urged executive clemency, mostly base their appeal on the ground that, assuming the prisoners to be guilty, they have been punished enough, but a number of them who have examined the case more carefully and are more familiar with the record and with the facts disclosed by the papers on file base their appeal on entirely different grounds. They assert:

1. That the jury which tried the case was a packed jury selected to convict.

2. That according to the law as laid down by the supreme court, both prior to and again since the trial of this case, the jurors, according to their own answers were not competent jurors and the trial was therefore not a legal trial.

3. That the defendants were not proved to be guilty of the crime charged in the indictment.

4. That as to the defendant Neebe the state's attorney had delared at the close of the evidence that there was no case against him, and yet he has been kept in prison all these years.

5. That the trial judge was either so prejudiced against the defendants or else so determined to win the applause of a certain class in the community that he could not and did not grant a fair trial.

Upon the question of having been punished enough I will simply say that if the defendants had a fair trial, and nothing has developed since to show that they are not guilty of the crime charged in the indictment, then there ought to be no executive interference, for no punishment under our laws could then be too severe. Government must defend itself; life and property must be protected and law and order must be maintained; murder must be punished, and if the defendants are guilty of murder, either committed with their own hands or some one else acting on their advice, then if they have had a fair trial, there should be in this case no executive interference. The soil of America is not adapted for the growth of anarchy. While our institutions are not free from injustice, they are still the best that have yet been devised, and therefore must be maintained.

Was the Jury packed?

The record of the trial shows that the jury in this case was not drawn in the manner that juries usually are drawn; that is, instead of having a number of names drawn out of a box that contained many hundred names, as the law contemplates shall be done in order to insure a fair jury and give neither side the advantage, the trial judge appointed one Henry L. Ryce as a special bailiff to go out and summon such men as he, Ryce, might select to act as jurors. While this practice has been sustained in cases in which it did not appear that either side has been prejudiced thereby, it is always a dangerous practice, for it gives the bailiff absolute power to select a jury that will be favorable to one side or the other. Counsel for the state in their printed brief, say that Ryce was appointed on motion of defendants, while it appears that counsel for defendants were in favor of having some one appointed the record has this entry:

"*Mr. Grinnell suggested Mr. Ryce as special bailiff and he was accepted and appointed.*" But it makes no difference on whose motion he was appointed if he did not select a fair jury. It is shown that he *boasted while securing jurors that he was managing this case; that these fellows would hang as certain as death; that he was calling such men as the defendants would have to challenge peremptorily and waste their challenges on, and that when their challenges were exhausted they would have to take such men as the prosecution wanted.* It appears from the record of the trial that the defendants were obliged to exhaust all of their peremptory challenges and they had to take a jury, almost every member of which stated frankly that he was prejudiced against them. On page 133 of volume I. of the record it appears that when the panel was about two-thirds full, counsel for the defendants called the attention of the court to the fact that Ryce was summoning only prejudiced men, as shown by their examinations; further, that he was confining himself to particular classes, i. e., clerks, merchants, manufacturers, etc. Counsel for defendants then moved the court to stop this and direct Ryce to summon the jurors from the body of the people, that is, from the community at large, and not from particular classes; but the court refused to take any notice of the matter.

About Bailiff Ryce.

For the purpose of still further showing the misconduct of Bailiff Ryce reference is made to the affidavit of Otis S. Favor. Mr. Favor is one of the most reputable and honorable business men of Chicago; he was himself summoned by Ryce as a juror, but was so prejudiced against the defendants that he had to be excused, and he abstained from making any affidavit before sentence because the state's attorney had requested him not to make it, although he stood ready to go into court and tell what he knew if the court wished him to do so, and he naturally supposed he would be sent for. But after the supreme court had passed on the case and some of the defendants were about to be hanged he felt that an injustice was being done and he made the following affidavit:

STATE OF ILLINOIS, COOK COUNTY, ss:—Otis S. Favor, being duly sworn, on oath says that he is a citizen of the United States and of the State of Illinois, residing in Chicago, and a merchant doing business at 6 and 8 Wabash avenue, in the City of Chicago, in said county. That he is very well acquainted with Henry L. Ryce, of Cook County, Illinois, who acted as a special bailiff in summoning jurors in the case of the People, etc., vs. Spies et al., indicted for murder, tried in the criminal court of Cook County in the summer of 1886. That affiant was himself summoned by said Ryce for a juror in said cause, but was challenged and excused therein because of his prejudice. That on several occasions in conversation between affiant and said Ryce touching the summoning of the jurors by said Ryce, and while said Ryce was so acting as special bailiff as aforesaid, said Ryce said to this affiant and to other persons in affiant's presence, in substance and effect as follows, to wit: "I [meaning said Ryce] am managing this case [meaning this case against Spies et al.] and know what I am about. Those fellows [meaning the defendants, Spies et al.] are going to be hanged as certain as death. I am calling such men as the defendants will have to challenge peremptorily and waste their time and challenges. Then they will have to take such men as the prosecution wants." That affiant has been very reluctant to make any affidavit in this case, having no sympathy with anarchy or relationship to or personal interest in the defendants or any of them, and not being a socialist, communist or anarchist; but affiant has an interest as a citizen in the due administration of the law, and that no injustice should be done under judicial procedure, and believes that jurors should not be selected with reference to their known views or prejudice. Affiant further says that his personal relations with said Ryce were at that time and for many years theretofore had been most friendly and even intimate, and that affiant is not prompted by any ill will toward anyone in making this affidavit, but solely by a sense of duty and a conviction of what is due to justice.

Affiant further says that about the beginning of October, 1886, when the motion for a new trial was being argued in said cases before Judge Gary, and when, as he was informed, application was made before Judge Gary for leave to examine affiant in open court touching the matters above stated, this affiant went upon request from State's Attorney Grinnell to his office during the noon recess of the court, and there held an interview with said Grinnell, Mr. Ingham and said Ryce, in the presence of several other persons, including some police officers, where affiant repeated substantially the matters above stated, and the said Ryce did not deny affiant's statements, and affiant said that he would have to testify thereto if summoned as a witness, but had refused to make an affidavit thereto, *and affiant was then and there asked and urged to persist in his refusal and to make no affidavit. And affiant further saith not.*

OTIS S. FAVOR.

Subscribed and sworn to before me this 7th day of November, A. D. 1887.

JULIUS STERN,
Notary Public in and for said County.

So far as is shown no one connected with the state's attorney's office has ever denied the statements of Mr. Favor as to what took place in that office, although his affidavit was made in November, 1887.

Examination of Jurors.

As to Bailiff Ryce it appears that he has made an affidavit in which he denies that he made the statements sworn to by Mr. Favor, but, unfortunately for him, the record of the trial is against him, for it shows conclusively that he summoned only the class of men mentioned in Mr. Favor's affidavit. According to the record 891 men were examined as to their qualifications as jurors and most of them were either employers or men who had been pointed out to the bailiff by their employers. The following, taken from the original record of the trial, are fair specimens of the answers of nearly all the jurors, except that in the following cases the court succeeded in getting the jurors to say that they believed they could try the case fairly notwithstanding their prejudice.

William Neil, a manufacturer, was examined at length; stated that he had heard and read about the Haymarket trouble and believed enough of what he had heard and read to form an opinion as to the guilt of the defendants, which he still entertained; that he had expressed said opinion, and then he added: "It would take pretty strong evidence to remove the impression that I now have. I could not dismiss it from my mind;

could not lay it altogether aside during the trial. I believe my present opinion, based upon what I have heard and read, would accompany me through the trial and would influence me in determining and getting at a verdict."

He was challenged by the defendants on the ground of being prejudiced, but the court then got him to say that he believed he could give a fair verdict on whatever evidence he should hear, and whereupon the challenge was overruled.

H. F. Chandler, in the stationery business with Skeen, Stuart & Co., said: "I was pointed out to the deputy sheriff by my employer to be summoned as a juror." He then stated that he had read and talked about the Haymarket trouble, and had formed and frequently expressed an opinion as to the guilt of the defendants, and that he believed the statements he had read and heard. He was asked:

Q. Is that a decid opinion as to the guilt of the defendants?

A. It is a decided opinion; yes, sir.

Q. Your mind is pretty well made up now as to their guilt or innocence?

A. Yes, sir.

Q. Would it be hard to change your opinion?

A. It might be hard; I cannot say. I don't know whether it would be hard or not.

He was challenged by the defendants on the ground of being prejudiced; then the court took him in hand and examined him at some length and got him to state that he believed he could try the case fairly. Then the challenge was overruled.

F. L. Wilson—Am a manufacturer. I am prejudiced and have formed an expressed opinion; that opionion would influence me in rendering a verdict.

He was challenged for cause, but was then examined by the court.

Q. Are you conscious in your own mind of any wish or desire that there should be evidence produced in this trial which should prove some of these men, or any of them, to be guilty?

A. Well, I think I have.

Being further pressed by the court he said that the only feeling he had against the defendants was based upon having taken it for granted that what he read about them was, in the main, true; *that he believed that sitting as a juror the effect of the evidence either for or against the defendants, would be increased or diminished by what he heard or read about the case* Then, on being still further pressed by the court, he finally said: "Well, I feel that I hope that the guilty one will be discovered and punished, not necessarily these men."

A. Are you conscious of any other wish or desire about the matter than that the actual truth may be discovered?

A. I don't think I am.

Thereupon the challenge was overruled.

George N. Porter, grocer, testified that he had formed and expressed an opinion as to the guilt of the defendants and that this opinion, he thought, would bias his judgment; he would try to go by the evidence, but that what he had read would have a great deal to do with his verdict; his mind, he said, was certainly biased now, and that it would take a great deal of evidence to change it. He was challenged for cause by the defendants; was then examined by the court and said:

I think what I have heard and read before I came into court would have some influence with me, but the court finally got him to say he believed he could fairly and impartially try the case and render a verdict according to law and evidence, and that he would try to do so. Thereupon the court overruled the challenge for cause. Then he was asked some more questions by the defendants' counsel and among other things said:

"Why, we have talked about it there a great many times and I have always expressed my opinion. *I believe what I have read in the papers; I believe that the parties are guilty. I would try to go by the evidence. but in this case it would be awful hard work for me to do it.*"

He was challenged a second time on the ground of being prejudiced; was then again taken in hand by the court and examined at length, and finally again said he believed he could try the case fairly on the evidence, when the challenge for cause was overruled for the second time.

H. N. Smith, hardware merchant, stated among other things that he was prejudiced and had quite a decided opinion as to the guilt or innocence of the defendants, that he

had expressed his opinion and still entertained it, and candidly stated he was afraid he would listen a little more attentively to the testimony which concurred with his opinion than the testimony on the other side; that some of the policemen injured were personal friends of his. He was asked these questions:

Q. That is, you woul be willing to have your opinion strengthened and hate very much to have it dissolved?

A. I would.

Q. *Under these circumstances do you think that you could render a fair and impartial verdict?*

A. *I don't think I could.*

Q. *You think you would be prejudiced?*

A. *I think I would be, because my feelings are very bitter.*

Q. *Would, your prejudice in any way influence you in coming at an opinion, in arriving at a verdict?*

A. I think it would.

He was challenged on the ground of being perjudiced; was interrogated at length by the court, and was brought to say he believed he could try the case fairly on the evidence produced in court. Then the challenge was overruled.

Leonard Gould, wholesale grocer, was examined at length; said he had a decided prejudice against the defendants. Among other things he said: "I really don't know that I could do the case justice; if I was to sit on the case I should just give my undivided attention to the evidence and calculate to be governed by that." He was challenged for cause and the challenge overruled. He was then asked the question over again, whether he could render an impartial verdict based upon the evidence alone that would be produced in court, and answered: "Well, I answered that as far as I could answer it."

Q. You say you don't know that you can answer that either yes or no?

A. No, I don't know that I can.

Thereupon the court proceeded to examine him, endeavoring to get him to state that he believed he could try the case fairly upon the evidence that was produced in court, part of the examination being as follows:

Q. Now, do you believe that you can—that you have sufficiently reflected upon it—so as to examine your own mind, that you can fairly and impartially determine the guilt or innocence of the defendants?

A. That is a difficult question for me to answer.

Q. Well, make up your mind as to whether you can render, fairly and impartially render, a verdict in accordance with the law and evidence. Most men in business possibly have not gone through a metaphysical examination, so as to be prepared to answer a question of this kind.

A. Judge, I don't believe I can answer that question.

Q. Can you answer whether you believe you know?

A. If I had to do that I should do the best I could.

Q. The question is whether you believe you could or not? I suppose, Mr. Gould, that you know the law is that no man is to be convicted of any offense with which he is charge unless the evidence proves that he is guilty beyond a reasonable doubt?

A. That is true.

Q. The evidence heard in this case in court?

A. Yes.

Q. Do you believe that you can render a verdict in accordance with the law?

A. Well, I don't know that I could.

Q. Do you believe that you can't—if you don't know of any reason why you cannot, do you believe that you can't?

A. I cannot answer that question.

Q. Have you a belief one way or other as to whether you can or cannot? Not whether you are going to do it, but do you believe you cannot? That is the only thing. You are not required to state what is going to happen next week or week after, but what do you believe about yourself, whether you can or can't?

A. I am about where I was when I started.

Some more questions were asked and Mr. Gould answered:

Well, I think I have gone just as far as I can in reply to that question.

Q. This question, naked and simple of itself is, do you believe that you can fairly

and impartially render a verdict in the case in accordance with the law and evidence?

A. I believe I could.

Having finally badgered the juror into giving this last answer the court desisted. The defendants' counsel asked:

Do you believe that you can do so uninfluenced by any prejudice or opinion which you now have?

A. You bring it at a point that I object to and I do not feel competent to answer.

Thereupon the juror whas challenged a second time for cause, and the challenge was overruled.

James H. Walker, dry goods merchant, stated that he had formed and expressed an opinion as to the guilt of the defendants; that he was prejudiced, and stated that his prejudice would handicap him.

Q. Considering all prejudice and all opinions that you have, if the testimony was equally balanced would you decide one way or the other in accordance with that opinion or your prejudice?

A. If the testimony was equally balanced I should hold my present opinion sir.

Q. Assuming that your present opinion is that you believe the defendants guilty, would you believe your present opinion would warrant you in convicting them?

A. I presume it would.

Q. Well, you believe it would; that is your present belief; is it?

A. Yes sir.

He was challenged on the ground of prejudice.

The court then examined him at length and finally asked:

Q. Do you believe that you can sit here and fairly and impartially make up your mind, from the evidence, whether that evidence proves that they are guilty beyond a reasonable doubt, or not?

A. I think I could, but I should believe that I was a little handicapped in my judgment, sir.

Thereupon the court, in the presence of the jurors not yet examined, remarked:

Well, that is a sufficient qualification for a juror in the case—of course, the more a man feels that he is handicapped the more he will be guarded against it.

W. B. Allen, wholesale rubber business, stated among other things:

Q. I will ask you whether what you have formed from what you have read and heard is a slight impression, or an opinion, or a conviction?

It is a decided conviction.

Q. You have made up your mind as to whether these men are guilty or innocent?

A. Yes sir.

Q. It would be difficult to change that conviction, or impossible perhaps?

A. Yes sir.

Q. It would be impossible to change your conviction?

A. It would be hard to change my conviction.

He was challenged for cause by defendants. Then he was examined by the court at length and finally brought to the point of saying that he could try the case fairly and impartially and would do so. Then the challenge for cause was overruled.

H. L. Anderson was examined at length and stated that he had formed and expressed an opinion, still held it, was prejudiced, but that he could lay aside his prejudices and grant a fair trial upon the evidence. On being further examined he said that some of the policemen injured were friends of his and he had talked with them fully. He had formed an unqualified opinion as to the guilt or innocence of the defendants, which he regarded as deepseated, a firm conviction that these defendants, or some of them, were guilty. He was challenged on the ground of prejudice, but the challenge was overruled.

M. D. Flavin, in the marble business. He had read and talked about the Haymarket trouble and had formed and expressed an opinion as to the guilt or innocence of the defendants, which he still held and which was very strong; further, that one of the officers killed at the Haymarket was a relative of his, although the relationship was distant, but on account of this relationship his feelings were perhaps diffirent from what they would have been and occasioned a very strong opinion as to the guilt of the defendants, and that he had stated to others that he believed what he had heard and read about the matter. He was challenged on the ground of prejudice, and then stated

in answer to a question from the prosecution that he believed that he could give a fair and impartial verdict, when the challenge was overruled.

Rush Harrison, in the silk department of Edson Keith & Co., was examined at length ; stated that he had a deep-rooted conviction as to the guilt or innocence of the defendants. He said :

"It would have considerable weight with me if selected as a juror. It is pretty deep-rooted, that opinion is, and it would take a large preponderance of evidence to remove it : it would require the preponderance of evidence to remove the opinion I now posses. I feel like every other good citizen does. I feel that these men are guilty : we don't know which : we have formed this opinion by general reports from the newspapers. Now, with that feeling, it would take some very positive evidence to make me think these men were not guilty if I should acquit them : that is what I mean. I should act entirely upon the testimony : I would do as near as the main evidence would permit me to do. Probably I would take the testimony alone."

Q. But you say that it would take positive evidence of their innocence before you could consent to return them not guilty?

A. Yes, I would want some strong evidence.

Q. Well, if that strong evidence of their innocence was not introduced, then you want to convict them of course?

A. Certainly.

He was then challenged on the ground of being prejudiced, when the judge proceeded to interrogate him and finally got him to say that he believed he could try the case fairly on the evidence alone : then the challenge was overruled.

J. R. Adams, importer, testified that he was prejudiced : had formed and expressed opinions and still held them. He was challenged on this ground, when the court proceeded to examine him at length and finally asked him this question :

Q. Do you believe that your convictions as to what the evidence proved, or failed to prove, will be at all affected by what anybody at all said or wrote about that matter before?

A. I believe they would.

The court, in the hearing of other jurors not yet examined, exclaimed : "It is incomprehensible to me." This juror was excused..

B. L. Ames, dealer in hats and caps, stated that he was prejudiced ; had formed and expressed his opinions ; still held them. He was challenged on these grounds. Then the court examined him at length ; tried to force him to say that he could try the case fairly without regard to his prejudice, but he persisted in saying in answer to the court's questions that he did not believe that he could sit as a juror, listen to the evidence and from that alone make up his mind as to the guilt or innocence of the defendants. Thereupon the court, in the presence of other jurors not yet examined, lectured him as follows :

Why not? What is to prevent your listening to the evidence and acting alone upon it? Why can't you listen to the evidence and make up your mind on it?

But the juror still insisted that he could not do it, and was discharged.

H. D. Bogardus, flour merchant, stated that he had read and talked about the Haymarket trouble ; had formed and expressed an opinion ; still held it as to the guilt or innocence of the defendants ; that he was prejudiced ; that this prejudice would certainly influence his verdict if selected as a juror. *I don't believe that I could give them a fair trial upon the proof, for it would require very strong proof to overcome my prejudice I hardly think that you could bring proof enough to change my opinion.* He was challenged on the ground of prejudice.

Then the court took him in hand and after a lengthy examination got him to say : "I think I can fairly and impartially render a verdict in this case in accordance with the law and the evidence."

Then the challenge was overruled.

Counsel for defendants then asked the juror further questions and he replied :

I say it would require pretty strong testimony to overcome my opinion at the present time ; still, I think I could act independent of my opinion. I would stand by my opinion, however, and I think the preponderance of proof would have to be strong to change my opinion. I think the defendants are responsible for what occured at the

Haymarket meeting. The preponderance of evidence would have to be in favor of the defendants' innocence with me.

Then the challenge for cause was renewed, when the court remarked, in the presence of jurors not yet examined: "Every fairly intelligent and honest man when he comes to investigate the question originally for himself, upon authentic sources of information, will, in fact, make his opinion from the authentic source, instead of hearsay that he heard before."

The court then proceeded to again examine the juror, and as the juror persisted in saying that he did not believe he could give the defendants a fair trial, was finally discharged.

These examinations are fair specimens of all of them, and show conclusively that Bailiff Ryce carried out the threat that Mr. Favor swears to. Nearly every juror called stated that he had read and talked about the matter and believed what he had heard and read, and had formed and expressed an opinion, and still held it, as to the guilt or innocence of the defendants; that he was prejudiced against them; that that prejudice was deep-rooted and that it would require evidence to remove that prejudice.

A great many said they had been pointed out to the bailiff by their employers to be summoned as jurors. Many stated frankly that they believed the defendants to be guilty and would convict unless their opinions were overcome by strong proofs, and almost every one after having made these statements was examined by the court in a manner to force him to say that he would try the case fairly upon the evidence produced in court, and whenever he was brought to this point he was then held to be a competent juror, and the defendants were obliged to exhaust their challenges on men who declared in open court that they were prejudiced and believed the defenants to be guilty.

Twelve Men Who Tried the Case.

The twelve jurors whom the defendants were finally forced to accept, after their challenges were exhausted, were of the same general character as the others, and a number of them stated candidly that they were so prejudiced that they could not try the case fairly, but each, when examined by the court, was finally induced to say that he believed he could try the case fairly upon the evidence that was produced in court alone. For example:

Theodore Denker, one of the twelve: "Am shipping clerk for Henry W. King & Co. I have read and talked about the Haymarket tradgedy and have formed and expressed an opinion as to the guilt or innocence of the defendants of the crime charged in the indictment. I believe what I read and heard, and still entertain that opinion."

Q. Is that opinion such as to prevent you from rendering an impartial verdict in the case sitting as a juror under the testimony and the law?

A. I think it is.

He was challenged for cause on ground of prejudice. Then the state's attorney and the court examined him and finally got him to say that he believed he could try the case fairly upon the law and the evidence, and the challenge was overruled. He was then asked further questions by the defendants' counsel and said:

"I have formed an opinion as to the guilt of the defendants, and have expressed it. We conversed about the matter in the business house and I expressed my opinion there; expressed my opinion quite frequently. My mind was made up from what I read and did not hesitate to speak about it."

Q. Would you feel yourself any way governed or bound in listening to the testimony and determining it upon the pre-judgment of the case that you had expressed to others before?

A. Well, that is a pretty hard question to answer.

He then stated to the court that he had not expressed an opinion as to the truth of reports he had read, and finally stated that he believed he could try the case fairly on the evidence.

John B. Greiner, another one of the twelve:

Am a clerk for the Northwestern Railroad. I have heard and read about the killing of Degan at the Haymarket on May 4, last, and have formed an opinion as to the guilt or innocence of the defendants now on trail for that crime. It is evident that the defendants are connected with that affair from their being here.

Q. You regard that as evidence?

A. Well, I don't know exactly. Of course I would expect that it connected them or they would not be here.

Q. So, then, the opinion that you now have has reference to the guilt or innocence of some of these men, or all of them?

A. Certainly.

Q. Now, is that opinion one that would influence your verdict if you should be elected as a juror to try the case?

A. I certainly think it would affect it to some extent; I dont't see how it could be otherwise.

He further stated that there had not been a strike in the freight department of the Northwestern road which affected the department he was in. After some further examination he stated that he thought he could try the case fairly on the evidence, and was then held to be competent.

G. W. Adams, also one of the twelve:

Am travelling salesman; have been an employer of painters. I read and talked about the Haymarket trouble and formed an opinion as to the nature and character of the crime committed there. I conversed frequently with my friends about the matter.

Q. DID YOU FORM AN OPINION AT THE TIME THAT THE DEFEEDANTS WERE CONNECTED WITH OR RESPONSIBLE FOR THE COMMITTION OF THAT CRIME?

A. I THOUGHT SOME OF THEM WERE INTERESTED IN IT, YES.

Q. AND YOU STILL THINK SO?

A. YES.

Q. NOTHING HAS TRANSPIRED IN THE INTERVAL TO CHANGE YOUR MIND AT ALL, SUPPOSE?

A. YES, SIR.

Q. You say some of them; that is, in the newspaper accounts that you read, the names of some of the defendants were referred to?

A. Yes, sir.

After further examinations he testified that he thought he could try the case fairly on the evidence.

H. T. Sandford, another one of the twelve; clerk for the Northwestern Railroad, in the freight auditor's office.

Q. Have you an opinion as to the guilt or innocence of the defendants of to the murder of Mathias J. Degan.

A. I have.

Q. From all that you have heard and that you have read, have you an opinion as to the guilt or innocence of the defendants of the throwing of that bomb?

A. Yes, sir, I have.

Q. Have you a prejudice against socialists and communists?

A. Yes, sir, a decided prejudice.

Q. Do you believe that that prejudice would influence your verdict in this case?

A. Well, as I know so little about it, it is a hard question to answer, I have an opinion in my own mind that the defendants encouraged the throwing of that bomb.

Challenged for cause on account of prejudice.

On further examination, stated he believed he could try the case fairly upon the evidence, and the challenge for cause was overruled.

Upon the whole, therefore, considering the facts brought to light since the trial, as well as the record of the trial and the answers of the jurors as given therein, it is clearly shown that while the counsel for defendants agreed to it Ryce was appointed special bailiff at the suggestion of the state's attorney and that he did summon a prejudiced jury, which he believed would hang the defendats, and further, that the fact that Ryce was summoning only that kind of men was brought to the attention of the court before the panel was full and it was asked to stop it, but refused to pay any attention to the matter and permitted Ryce to go on and then forced the defendants to go to trial before this jury.

While no collusion is proved between the judge and state's attorney, it is clearly shown that after the verdict and while the motion for a new trial was pending a charge was filed in court that Ryce had packed the jury and that the attorney for the state got Mr. Favor to refuse to make an affidavit bearing on this point, which the defendants could use, and then the court refused to take any notice of it unless the affidavit was obtained, although it was informed that Mr. Favor would not make an affidavit, but stood

ready to come into court and make a full statement if the court desired him to do so.

These facts alone would call for executive interference, especially as Mr. Favor's affidavit was not before the supreme court at the time it considered the case.

Supreme Court on Juror's Competency.

2. The second point urged seems to me to be equally conclusive. In the case of the People vs. Coughlin, known as the Cronin case, recently decided, the supreme court, in a remarkably able and comprehensive review of the law on this subject, says among other things:

"The holding of this and other courts is substantially uniform, that where it is once clearly shown that there exists in the mind of the juror at the time he is called to the jury box a fixed and positive opinion as to the merits of the case, or as to the guilt or innocence of the defendant he is called to try, his statement that, notwithstanding such opinion, he can render a fair and impartial verdict according to the law and evidence, has little, if any, tendency to establish his impartiality. This is so because a juror who has sworn to have in his mind a fixed and positive opinion as to the guilt or inocence of the accused is not impartial, as a matter of fact. * * *

"It is difficult to see how, after a juror has avowed a fixed and settled opinion as to the prisoner's guilt, a court can be legally satisfied of the truth of his answer that he can render a fair and impartial verdict or find therefrom that he has the qualification of impartiality, as required by the constitution. * * *

"Under such circumstances it is idle to inquire of the jurors whether they can return just and impartial verdicts. The more clear and positive were their impressions of guilt, the more certain they may be that they can act impartially in condemning the guilty party. They go into the box in a state of mind that is well calculated to give a color of guilt to all the evidence, and if the accused escapes conviction it will not be because the evidence has not established guilt beyond a reasonable doubt, but because an accused party condemned in advance, and called upon to exculpate himself before a prejudiced tribunal, has succeeded in doing so. * * *

"To try a cause by such a jury is to authorize men, who state that they will lean in their finding against one of the parties, unjustly to determine the rights of others, and it would be no difficult task to predict, even before the evidence was heard, the verdict that would be rendered. Nor can it be said that instructions from the court would correct the bias of the jurors who swear they incline in favor of one of the litigants. * * *

"Bontecou (one of the jurors in the Cronin case), it is true, was brought to make answer that he could render a fair and impartial verdict in accordance with the law and the evidence, but that result was reached only after a singularly argumentative and persuasive crossexamination by the court, in which the right of every person accused of crime to an impartial trial and to the presumption of innocence until proved guilty beyond a reasonable doubt, and the duty of every citizen when summoned as a juror to lay aside all opinions and prejudices and accord the accused such trial, was set forth and descanted upon at length, and in which the intimation was very clearly made that a juror who could not do this was recreant to his duty as a man and a citizen. Under pressure of this sort of cross-examination Bontecou seems to have been finally brought to make answer in such way as to profess an ability to sit as an impartial juror and on his so answering he was pronounced competent, and the challenge as to him was overruled. Whatever may be the weight ordinarily due to statements of this character by jurors, their value as evidence is in no small degree impaired in this case by the mode in which they were, in a certain sense, forced from the mouth of the juror. THE THEORY SEEMED TO BE, THAT IF A JUROR COULD IN ANY WAY BE BROUGHT TO ANSWER THAT HE COULD SIT AS AN IMPARTIAL JUROR, THAT DECLARATION OF ITSELF RENDERED HIM COMPETENT. SUCH A VIEW, IF IT WAS ENTERTAINED, WAS A TOTAL MISCONCEPTION OF THE LAW. * * *

"It requires no profound knowledge of human nature to know that with ordinary men opinions and prejudices are not amenable to the power of the will, however honest the intention of the party may be to put them aside. They are likely to remain in the minds of the juror in spite of all his efforts to get rid of them, warping and giving direction to his judgment, coloring the facts as they are developed by the evidence and exerting an influence, more or less potent, though it be unconsciously to the juror himself, on the final result of his deliberations. TO COMPEL A PERSON ACCUSED OF A CRIME

TO BE TRIED BY A JUROR WHO HAS PREJUDICED HIS CASE IS NOT TO GIVE HIM A FAIR TRIAL. Nor should a defendant be compelled to rely, as his security for the impartiality of the jurors by whom he is to be tried, upon the restraining and controlling influence upon the juror's mind of his oath to render a true verdict according to the law and the evidence. His impartiality should appear before he is permitted to take the oath. If he is not impartial then his oath cannot be relied upon to make him so. In the terse and expressive language of Lord Ocke, already quoted, the juror should "stand indefferent as he stands unsworn."

Incompetent Because Not Impartial.

Applying the law as here laid down in the Cronin case to the answers of the jurors above given in the present case, it is very apparent that most of the jurors were incompetent because they were not impartial. For nearly all of them candidly stated that they were prejudiced against the defendants and believed them guilty before hearing the evidence, and the mere fact that the judge succeeded by a singularly suggestive examination in getting them to state that they believed they could try the case fairly on the evidence did not make them competent.

It is true that this case was before the supreme court, and that court allowed the verdict to stand, and it is also true that in the opinion of the majority of the court in the Cronin case an effort is made to distinguish that case from this one, but it is evident that the court did not have the record of this case before it when it tried to make the distinction, and the opinion of the minority of the court in the Cronin case expressly refers to this case as being exactly like that one, so far as relates to the competency of the jurors. The answers of the jurors were almost identical and the examinations were the same. The very things which the supreme court held to be fatal errors in the Cronin case constituted the entire fabric of this case so far as relates to the competency of the jury. In fact, the trial judge in the Cronin case was guided by the rule laid down in this case, yet the supreme court reversed the Cronin case because two of the jurors were held to be incompetent, each having testified that he had read and talked about the case and had formed and expressed an opinion as to the guilt of the defendants; that he was prejudiced; that he believed what he had read and that his prejudice might influence his verdict; that his prejudice amounted to a conviction on the subject of the guilt or innocence of the defentants, but each finally said that he could and would try the case fairly on the evidence alone etc.

A carefull comparison of the examination of these two jurors with that of many of the jurors in this case shows that a number of the jurors in this case expressed themselves, if anything, more strongly against the defentants than those two did, and, what is still more, one of those summoned, M. D. Flavin, in this case testified, not only that he had read and talked about the case and had formed and expressed an opinion as to the guilt or innocence of the defendants, that he was bitterly prejudiced, but further, that he was related to one of the men who was killed an that for that reason he felt more strongly against the defendants than he otherwise might, yet he was held to be competent on his mere statement that he believed he could try the case fairly on the evidence.

No matter what the defendants were charged with, they were entitled to a fair trial, and no greater danger could possibly threaten our institutions than to have the courts of justice run wild or give way to popular clamor, and when the trial judge in the case ruled that a relative of one of the men who was killed was a competent juror, and this after the man had candidly stated that he was deeply prejudiced and that his relationship caused him to feel more strongly than he otherwise might, and when in scores of instances he ruled that men who candidly declared that they believed the defendants to be guilty; that this was a deep conviction and would influence their verdict and that it would require strong evidence to convince them that the defendants were innocent, when in all the instances the trial judge ruled that these men were competent jurors simply because they had, under his adroit manipulation, been led to say that they believed they could try the case fairly on the evidence; then the proceedings lost all semblance to a fair trial.

Does the Proof Show Guilt?

3. The state has never discovered who it was that threw the bomb which killed the policemen, and the evidences does not show any connection whatever between the de-

fendants and the man who did throw it. The trial judge in overruling the motion for a new hearing, and again, recently in a magazine article, used this language:

THE CONVICTION HAS NOT GONE ON THE GROUND THAT THEY DID NOT HAVE ACTUALLY ANY PERSONAL PARTICIPATION IN THE PARTICULAR ACT WHICH CAUSED THE DEATH OF DEGAN, BUT THE CONVICTION PROCEEDS UPON THE GROUND THAT THEY HAD GENERALLY, BY SPEECH AND PRINT, ADVISED LARGE CLASSES OF THE PEOPLE, NOT PARTICULAR INDIVIDUALS, BUT LARGE CLASSES, TO COMMIT MURDER, AND HAD LEFT THE COMMISSION, THE TIME AND PLACE WHEN TO THE INDIVIDUAL WILL AND WHIM, OR CAPRICE, OR WHATEVER IT MAY BE OF EACH INDIVIDUAL MAN WHO LISTENED TO THEIR ADVICE, AND THAT IN CONSEQUENCE OF THAT ADVICE, IN PURSUANCE OF THAT ADVACE AND INFLUENCED BY THAT ADVICE SOMEBODY NOT KNOWN DID THROW THE BOMB THAT CAUSED DEGAN'S DEATH. NOW, IF THIS IS NOT A CORRECT PRINCIPLE OF THE LAW, THEN THE DEFENDANTS ARE ENTITLED TO A NEW TRIAL. THIS CASE IS WITHOUT PRECEDENT; THERE IS NO EXAMPLE IN THE LAW BOOKS OF A CASE OF THIS SORT.

The judge certainly told the truth when he stated that this case was without a precedent, and that no example could be found in the law books to sustain the law as above laid down. For, in all centuries during which government has been maintained, among men, and crime has been punished, no judge in a civilized country had ever laid down such a rule before. The petitioners claim that it was laid down in this case simply because the prosecution, not having discovered the real criminal, would otherwise not have been able to convict anybody; that this course was then taken to appease the fury of the public, and that the judgment was allowed to stand for the same reason. I will not discuss this. But, taking the law as above laid down, it was necessary under it to prove, and that beyond a reasonable doubt, that the person committing the violent deed had at least heard or read the advice given to the masses, for until he either heard or read it he did not receive it, and if he did not receive it he did not commit the violent act in pursuance of that advice, and it is here that the case for the state fails, with all his apparent eagerness to force conviction in court and his efforts in defending his course since the trial, the judge speaking on this point in his magazine article, makes this statement: "It is probably true, that Rudolph Schnaubelt threw the bomb," which statement is a mere surmise and is all that is known about it, and is certainly not sufficient to convict eight men on. In fact, until the state proves from whose hands the bomb came it is impossible to show any connection between the man who threw it and these defendants.

It is further shown that the mass of matter contained in the record and quoted at length in the judge's magazine article, showing the use of seditious and incendiary language, amounts to but little when its source is considered; the two papers in which articles appeared at intervals during years were obscure little sheets having scarcely any circulation, and the articles themselves were written at times of great public exitement, when an element in the community claimed to have been outraged; and the same is true of the speeches made by the defendants and others; the apparently seditious utterances were such as are always heard when men imagine that they have been wronged or are excited or are partially intoxicated; and the talk of a gigantic anarchistic conspiracy is not believed by the then chief of police, as will be shown hereafter, and it is not entitled to serious notice, in view of the fact that, while Chicago had nearly a million inhabitants, the meetings held on the lake front on Sunday during the summer by these agitators rarely had fifty people present, and most of these went from mere curiosity, while the meetings held indoors during the winter were still smaller. The meetings held from time to time by the masses of the laboring people must not be confounded with the meetings above named, although in times of excitement and trouble much violent talk was indulged in by irresponsible parties, which was forgotten when the excitement was over.

Again, it is shown here that the bomb was in all probability thrown by some one seeking personal revenge; that a course had been pursued by the authorities which would naturally cause this; that for a number of years prior to the Haymarket affair there had been labor troubles and in several cases a number of laboring people guilty of no offense had been shot down in cold blood by Pinkerton men and none of the murderers were brought to justice. The evidence taken at coroner's inquests and presented here shows that in at least two cases men were fired on and killed when they were running away and there was consequently no occasion to shoot, yet nobody was punished; that in

Chicago there had been a number of strikes in which some of the police not only took sides against the men, but without any authority of law invaded and broke up peaceable meetings, and in scores of cases brutally clubbed people who were guilty of no offense whatever. Reference is made to the opinion of the late Judge McAllister in the case of the Harmonia Association of Joiners against Brennan et al., reported in the Chicago *Legal News*.

Judge McAllister's Opinion.

Among other things, Judge McAllister says;

"The facts established by a large number of witnesses, and without any opposing evidence are, that this society, having leased Turner Hall on West Twelfth street for the purpose, held a meeting in the forenoon of said day in said hall, composed of from 200 to 300 individuals, most of whom were journeymen cabinet makers engaged in the several branches of the manufacture of furniture in Chicago, but some of those in attendance were the proprietors in that business or delegates sent by them. The object of the meeting was to obtain a conference of the journeymen with such proprietors or their authorized delegates with the view of endeavoring to secure an increase of the price or the diminution of the hours of labor. The attendants were wholly unarmed and orderly, and while the people were sitting quietly with their backs toward the entrance hall, with a few persons on the stage in front of them, and all engaged merely in the business for which they had assembled, a force of from fifteen to twenty policemen came suddenly into the hall, having a policeman's club in one hand and a revolver in the other, and making no pause to determine the actual character of the meeting, they immediately shouted: 'Get out of here, you —— —— ——,' and began beating the people with their clubs, some of them actually firing their revolvers. One young man was shot through the back of the head and killed. But to complete the atrocity of the affair on the part of the officers engaged in it, when the people hastened to make their escape from the assembly-room, they found policemen stationed on either side of the stairway leading from the hall down to the street, who applied their clubs to them as they passed, seemingly with all the violance practicable under the circumstances.

"Jacob Beiersdorf, who was a manufacturer of furniture employing some 200 men, had been invited to the meeting and came, but as he was about to enter the place where it was held, an inoffensive old man, doing nothing unlawful, was stricken to the ground at his feet by a policeman's club.

"These general facts were established by an overwhelming mass of testimony and, for the purpose of the questions in the case, it is needless to go further into the detail.

"The chief political right of the citizen in our government, based upon the popular will as regulated by law, is the right of suffrage, but to that right two others are auxiliary and of allmost equal importance:

"1. The right of free speech and of a free press.

"2. The right of the people to assemble in a peaceable manner to consult for the common good.

"These are among the fundamental principles of government and guaranteed by our constitution. Section 17, article 2, of the bill of rights, declares:

"The people have a right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives and apply for redress of grievances.

"Jurists do not regard these declarations of the bill of rights as creating or conferring the rights, but as guarantees against their deprivation or infringement by any of the powers or agencies of the government. The rights themselves are regarded as the natural inalienable rights belonging to every individual, or as political, and based upon or arising from principles inherent in the very nature of a system of free government.

"The right of the people to assemble in a peaceable manner to consult for the common good being a constitutional right, it can be exercised and enjoyed within the scope and spirit of that provision of the constitution, independently of every other power of the state government.

"Judge Cooley, in his excellent work on "Torts," speaking (p. 296) of remedies for the invasion of political rights, says:

"When a meeting for any lawful purpose is actually called and held one who goes there with the purpose to disturb and break it up and commits disorder to that end is a

tresspasser upon the rights of those who, for the time, have the control of the place of meeting. If several unite in the disorder it may be a criminal riot."

So much for Judge McAllister.

Now it is shown that no attention was paid to the judge's decision; that peaceable meetings were invaded and broken up and inoffensive people were clubbed; that in 1885 there was a strike at the McCormick Reaper factory on account of a reduction of wages and some Pinkerton men, while on their way there, were hooted at by some people on the street, when they fired into the crowd and fatally wounded several people who had taken no part in any disturbance; that four of the Pinkerton men were indicted for this murder by the grand jury, but that the prosecuting officers apparently took no interest in the case and allowed it to be continued a number of times, until the witnesses were worn out and in the end the murderers went free; that after this there was a strike on the West Division Street Railway and that some of the police, under the leadership of Captain John Bonfield, indulged in a brutality never equaled before; that even small merchants standing on their own doorsteps, and having no interest in the strike were clubbed, then hustled into patrol wagons and thrown into prison on no charge, and not even booked; that a petition, signed by about 1,000 of the leading citizens living on and near West Madison street, was sent to the mayor and city council, praying for the dismissal of Bonfield from the force, but that on account of his political influence he was retained. Let me say here that the charge of brutality does not apply to all of the policemen of Chicago. There are many able, honest and conscientious officers who do their duty quietly, thoroughly and humanely.

Instances of Police Brutality and Crime.

As a speciment of the many papers filed in this connection, I will give the following, the first being from the officers of a corporation that is one of the largest employers in Chicago:

OFFICE PEOPLE'S GAS LIGHT & COKE CO., CHICAGO, NOV. 21, 1885. TO THE CHAIRMAN OF THE COMMITTEE, CHICAGO TRADES AND LABOR ASSEMBLY, SIR:—In response to the request of your committee for information as to the treatment received by certain employes of this company at the hands of Captain Bonfield and by his orders during the strike of the Western Division Railway Company's employes in July last, you are advised as follows:

On that day of the strike in which there was apparently an indiscriminate arresting of persons who happened to be up on Madison street, whether connected with the disturbance of peace, or engaged in legitimate business, a number of employees of this company were at work upon said street near Hoyne avenue, opening a trench for the laing of gas pipe.

The tool box of the employes was at the southeast corner of Hoyne and Madison streets. As the men assembled for labor shortly before 7 a. m. they took their shovels and tools from the tool box, arranged themselves along the trench preparatory to going to work when the hour of seven should arrive. About this time and a little before the men began to work a crowd of men not employes of the company, came surging down the street from the west, and seizing such shovels and other tools of the men as lay upon the ground and about the box, threw more or less of the loose dirt, which had before been taken from the trench, upon the track of the railway company. About this time Captain Bonfield and his forces appeared upon the scene and began apparently an indiscriminate arrest of persons. Among others arrested were the following employes of this company: Edward Kane, Mike W. Kirwin, Dan Diamond, James Hussey, Dennis Murvay, Patrick Brown and Pat Franey. No one of these persons had any connection with the strike, or were guilty of obstructing the cars of the railway company, or of any disturbance upon the street. Mr. Kirwin had just arrived at the tool box and had not yet taken his shovel preparatory to going to work, when he was arrested while standing by the box and without resistance, was put upon a street car as a prisoner. When upon the car he called to a friend among the workmen, saying, "take care of my shovel." Thereupon Bonfield struck him a violent blow with a club upon his head, inflicting a serious wound, laying open his scalp, and saying as he did so, "I will shovel you," or words to that effect. Another of the said employes, Edward Kane, was also arrested by the tool box, two of the police seizing him, one by each arm, and he was being put upon the car, a third man, said by Kane and others to be Bonfield, struck him with a

club upon the head, severly cutting his head. Both of these men, with blood streaming from the cuts upon their heads, respectively, as also all of the others above named were hustled off to the police station and locked up. The men were not "booked" as they were locked up, and their friends had great difficulty in finding them, so that bail might be offered and they released. After they were found communication with them was denied for some time by Bonfield's order, as was said, and for several hours they were kept in confinement in the lock-up upon Desplaines street as criminals, when their friends were desirous of getting them out. Subsequently they were all brought up for trial before Justice White. Upon the hearing the city was represented by its attorney, Bonfield himself being present, and from the testimony it appeared that all these men had been arrested under the circumstances aforesaid and without the least cause, and that Kane and Kirwin had been cruelly assaulted and beaten without the least justification therefor, and, of course, they were all discharged.

The officers of this company, who are cognizant of the outrages perpetrated upon these men, feel that the party by whom the same were committed ought not to remain in a responsible position upon the police force.

PEOPLE'S GAS LIGHT AND COKE COMPANY, By C. K. G. Billings, V. P.

CHICAGO, Nov. 19, 1885. ROBERT ELLIS, 974 WEST MADISON STREET:—I kept a market at 974 West Madison street. I was in my place of business waiting on customers and stepped to the door to get a measure of vegetables. The first thing I knew, as I stood on the step in front of my store, I received a blow over the shoulders with a club and was seized and thrown off the sidewalk into a ditch being dug there. I had my back to the person who struck me, but on regaining my feet I saw that is was Bonfield who had assaulted me. Two or three officers then came up. I told them not to hit me again. They said go and get in the car, and I told them I couldn't leave my place of business as I was all alone there. They asked Bonfield and he said, "Take him right along." They then shoved me into the car and took me down the street to a patrol wagon, in which I was taken to the Lake street station. I was locked up there from this time, about 8 o'clock in the morning till 8 o'clock in the evening and then taken to the Desplaines street station. I was held there a short time and then gave bail for my appearance, and got back to my place of business about 9 o'clock that night. Subsequently when I appeared in court I was discharged. It was about 8 o'clock in the morning, July 3, 1885, when I was taken from my place of business.

ROBERT ELLIS.

CHICAGO, Nov. 19, 1885.—I was standing in my door about 7 o'clock in the morning of July 3, 1885. I saw a man standing on the edge of the sidewalk. He wasn't doing anything at all. Bonfield came up to him and without a word being said by either, Bonfield hit him over the head with his club and knocked him down. He also hit him twice after he had fallen. I was standing about six feet from them when the assault occured. I don't know the man that was clubbed—never saw him before nor since.

W. W. WYMAN,
1004 West Madison street.

CHICAGO, Nov. 20, 1885.—On the morning of July 3, 1885, about 7 o'clock, as I was standing on the southeast corner of Madison street and Western avenue I saw Bonfield walk up to a man on the opposite corner, who was apparently looking on at what was going on in the street. Bonfield hit him over the head with his club and knocked him down. Some men who were near him helped him over to the drug store on the corner where I was standing. His face was covered with blood from the wound on his head made by Bonfield's club, and he appeared to be badly hurt. A few moments later, as I was standing in the same place, almost touching elbows with another man, Bonfield came up facing us and said to us, "stand back," at the same time striking the other man over the head with his club. I stepped back and turned around to look for the other man; saw him a few feet away with the blood running down over his face apparently badly hurt from the effects of the blow or blows he had received from Bonfield. There was no riot or disorderly conduct there at this time, except what Bonfield made himself by clubbing innocent people who where taking no part in the strike. If they had been for the purpose of rioting they would surely have resisted Bonfield's brutality.

I affirm that the above statement is a true and correct statement of facts.

JESSE CLOUD, 998 Monroe street.

CHICAGO, Nov. 19, 1885:—On the morning of July 3, 1885, I was driving up Madison street just coming from Johnson's bakery on Fifth avenue. When I got to the corner of Market and Madison streets I met the cars coming over the bridge. On looking out of my wagon I saw Bonfield by the side of a car. He snatched me from my wagon and struck me on the head, cutting it open, and put me in a car, leaving my wagon unprotected, loaded with bakery goods, all of which were stolen except a few loaves of bread. I was then taken to the Desplaines street station and locked up for about ten hours. I was then bound over for riot in $500 bail and released. During the time I was there I received no attention of any kind, though my head was seriously cut. Julius Goldzier, my lawyer, went to Bonfield with me before the case was called in court and told him I had done nothing, and Bonfield said, "scratch his name off," and I was released.

I swear to the truth of the above.

H. J. NICHOLS,
47 Flournoy street.

The following is from Captain Schaak, a very prominent police official:

DEPARTMENT OF POLICE, CITY OF CHICAGO. CHICAGO, ILL., MAY 4, 1893. G. E. DETWILER, EDITOR RIGHTS OF LABOR. DEAR SIR:—In reply to your communication of April 13, I will say that in July, 1885, in the street car strike on the west side, I held the office of lieutenant on the force. I was detailed with a company of officers early in the morning in the vicinity of the cars barns, I believe on Western avenue and a little north of Madison street. My orders were to see that the new men on the cars were not molested when coming out of the barn.

One man came out and passed my lines about fifty feet. I saw one of the men, either driver or conductor, leave the car at a standstill. I ran up near to the car, when I saw on the southeast corner of the street Bonfield strike a man on the head with his club. He hit the man twice and I saw the man fall to the ground.

Afterwards I was put on a train of cars, protecting the rear. Bonfield had charge of the front. I saw many people getting clubbed in the front of the train, but I held my men in the rear and gave orders not to strike anyone except they were struck first. Not any of my officers hurt a person on that day or at any time.

Many people were arrested, all appearing. From what I saw in the afternoon and the next day no officer could state what they were arrested for. The officers professed ignorance of having any evidence, but "someone told them to take him in," meaning to lock him up. On that afternoon, about 4 o'clock, I met Bonfield and he addressed me in the following words, in great anger: "If some of you goody-goody fellows had used your clubs more freely in the forenoon you would not need to use lead this afternoon." I told him that I did not see any use for clubbing people and I would club no person to please anyone, meaning Bonfield, and that if lead had to be used, I thought my officers could give lead and take it also. I will say that affair was brutal and uncalled for.

MICHAEL J. SCHAACK,
227 North State street.

Again it is shown that various attempts were made to bring to justice the men who wore the uniform of the law while violating it, but all to no avail; that the laboring people found the prisons always open to receive them, but the courts of justice were practically closed to them; that the prosecuting officers vied with each other in hunting them down, but were deaf to their appeals; that in the spring of 1886 there were more labor disturbances in the city and particularly at the McCormick factory; that under the leadership of Captain Bonfield the brutalities of the previous year were even exceeded. Some affidavits and other evidence is offered on this point which I cannot give for want of space. It appears that this was the year of the eight hour agitation and efforts were made to secure an eight hour day about May 1, and that a number of laboring men standing, not on the street but on a vacant lot, were quietly discussing the situation in regard to the movement when suddenly a large body of police under orders from Bonfield charged on them and began to club them; that some of the men, angered at the unprovoked assault, at first resisted, but were soon dispersed; that some of the police fired on the men while they were running and wounded a large number who were already 100 feet or more away and were running as fast as they could; that at least four of the number so shot down died; that this was wanton and unprovoked murder, but there was not even so much as an investigation.

Now while some men may tamely submit to being clubbed and seeing their brothers shot down there are some who will resent it and will nurture a spirit of hatred and seek revenge for themselves, and the occurrences that preceded the Haymarket tragedy indicate that the bomb was thrown by some one who, instead of acting on the advice of anybody, was seeking simply personal revenge for having been clubbed, and that Captain Bonfield is the man who is really responsible for the death of the police officers. It is also shown that the character of the Haymarket meeting sustains this view; that the evidence proves there were only 800 to 1,000 people present and that it was a peaceable and orderly meeting; that the mayor of the city was present and saw nothing out of the way and that he remained until the crowd began to disperse, the meeting being practically over, and the crowd engaged in dispersing when he left; that had the police remained away for twenty minutes more there would have been nobody left there, but as soon as Bonfield learned that the mayor had left he could not resist the temptation to have some more people clubbed and went up with a detachment of police to disperse the meeting, and then on the appearance of the police the bomb was thrown by some unknown person and several innocent and faithful officers, who were simply obeying an uncalled for order of their superior, were killed; all of these facts tend to show the improbability of the theory of the prosecution that the bomb was thrown as the result of a conspiracy on the part of the defendants to commit murder: if the theory of the prosecution were correct there would have been many bombs thrown, and the fact that only one was thrown shows that it was an act of personal revenge.

It is further shown here that much of the evidence given at the trial was a pure farication; that some of the prominent police officials in their zeal not only terrorized ignorant men by throwing them into prison and threatening them with torture if they refused to swear to anything desired, but that they offered money and employment to those who would consent to do this. Further, that they deliberately planned to have fictitious conspiracies formed in order that they might get the glory of discovering them. In addition to the evidence in the record of some witnesses who swore that they had been paid small sums of money, etc., several documents are here referred to.

First, an interview with Captain Ebersold published in the Chicago *Daily News* May 10, 1889. Ebersold was chief of the police of Chicago at the time of the Haymarket troubles and for a long time before and thereafter, so that he was in a position to know what was going on, and his utterances upon this point are therefore important. Among other things he says:

"It was my policy to quiet matters down as soon as possible after the 4th of May. The general unsettled state of things was an injury to Chicago.

"On the other hand, Captain Schaack wanted to keep things stirring. He wanted bombs to be found here, there, all arround, everywhere. I thought people would lie down and sleep better if they were not afraid that their homes would be blown to pieces any minute. But this man, Schaack, this little boy who must have glory or his heart would be broken, wanted none of that policy. Now, here is something the public does not know. *After we got the anarchist societies broken up Schaack wanted to send out men to again organize new societies rigt away. You see what this would do. He wanted to keep the thing boiling, keep himself prominent before the public.* Well, I sat down on that, I didn't like it.

"AFTER I HEARD ALL THAT I BEGAN TO THINK THERE WAS PERHAPS NOT SO MUCH TO ALL THIS ANARCHIST BUSINESS AS THEY CLAIMED AND I BELIEVE I WAS RIGHT. Schaack thinks he knew all about those anarchists. Why, I knew more at that time than he knows to-day about them. I was following them closely. As soon as Schaack began to get some notoriety, however, he was spoiled."

THIS IS A MOST IMPORTANT STATEMENT, WHEN A CHIEF OF POLICE WHO HAS BEEN WATCHING THE ANARCHISTS CLOSELY SAYS THAT HE WAS CONVINCED THAT THERE WAS NOT SO MUCH IN ALL THAT ANARCHIST BUSINESS AS WAS CLAIMED, AND THAT A POLICE CAPTAIN WANTED TO SEND OUT MEN TO HAVE OTHER CONSPIRACIES FORMED IN ORDER TO GET THE CREDIT OF DISCOVERING THEM AND KEEP THE PUBLIC EXCITED. IT THROWS A FLOOD OF LIGHT ON THE WHOLE SITUATION AND DESTROYS THE FORCE OF MUCH OF THE TESTIMONY INTRODUCED AT THE TRIAL.

For if there had been any such extensive conspiracy as the prosecution claims the police would soon have discovered it. No chief of police could discover a determination

on the part of an individual, or even of a number of separate individuals, to have personal revenge for having been maltreated, nor could any chief discover a determination by any such individual to kill the next policeman who might assault him. Consequently, the fact that the police did not discover any conspiracy before the Haymarket affair shows almost conclusively that no such extensive combination could have existed.

As further bearing on the question of creating evidence reference is made to the following affidavits:

"STATE OF ILLINOIS, } ss
COUTNY OF COOK. }

"Jacob Mikolanda, being first duly sworn, on oath states that he took no part in the so-called May troubles of 1886; that on or about the 8th day of May, 1886, two police officers, without a varrant or without assigning any reasons therefor, took this affiant from a saloon, where he was conducting himself peacefully, and obliged him to accompany them to his house; that the same officers entered his house without a search warrant and ransacked the same, not even permitting the baby's crib with its sleeping occupant to escape their unlawful and fruitless search; that in about a month after this occurrence this affiant was summoned by Officer Perceny to accompany him to the police station, as Lieutenant Shepard wished to speak to him; that there without a warrant this affiant was thrown into jail; that he was thereupon shown some photographs and asked if he knew the persons, and on answering to the affirmative as to some of the pictures he was again thrown into prison, that he was then transferred from one station to another for several days; that he was importuned by a police captain and assistant state's attorney to turn state's witness, being promised therefor money, the good will and protection of the police, their political influence in securing a position and his entire freedom; that on answering that he knew nothing to which he could testify he was thrown back into jail; that his preliminary hearing was repeatedly continued for want of prosecution, each continuance obliging this affiant to remain longer in jail; that eventually this affiant was dismissed for want of prosecution. JACOB MIKOLANDA.

Subscribed and sworn to before me this 14th day of April, A. D., 1893.

CHARLES B. PAVLICEK,
Notary Public.

STATE OF ILLINOIS, COUNTY OF COOK, ss:—Vaclav Djmek, being first duly sworn, on oath states, that he knows of no cause for his arrest on the 7th day of May, A. D., 1886; that he he took no part in the troubles of the preceding days; that without a warrant for his arrest, or without a search warrant for his premises, the police entered his house on the night of the 7th day of May, 1886; that on being requested to show by what authority they entered, the police heaped abuse upon this affiant and his wife; that the police then proceeded to ransack the house, roused this affiant's little children out of bed, pulled the same to pieces, carried away this affiant's papers and pillow slips, because the same were red: that on the way to the police station, though this affiant offered no resistance whatever and went at the command of the officer peacefully, this affiant was choked, covered with revolvers and otherwise inhumanly treated by the police officers; that for many days this affiant was jailed and refused a preliminary hearing; that during said time he was threatened, and promised immunity by the police if he would turn state's witness; that the police clerk and Officer Johnson repeatedly promised this affiant his freedom and considerble money if he would turn state's witness; that on his protestations that he knew nothing to which he could testify, this affiant was abused and ill-treated; that while he was jailed this affiant was kicked, clubed, beaten and scratched, had curses and abuses heaped upon him and was threatened with hanging by the police; that this affiant's wife was abused by the police when she sought permission to see this affiant. VACLAV DJMEK.

Subscribed and sworn to before me this 14th day of April. A. D, 1893.

CHARLES B. PAVLICEK, Notary Public.

Governor's Conclusions.

I will simply say in conclusion on this branch of the case that the facts tend to show that the bomb was thrown as an act of personal revenge, an that the prosecution has never discovered who threw it, and the evidence utterly fails to show that the man who did throw it ever heard or read a word coming from the defendants; consequently it fails to show that he acted on any advice given by them. And if he did not act on or

hear any advice coming from the defendants, either in speeches or through the pre s, then there was no case against them even under the law as laid down by Judge Gary,

At the trial a number of detectives and members of the police force swore that the defendant, Fielden, at the Haymarket meeting, made threats to kill, urging his hearers to do their duty as he would do his, just as the policemen were coming up, and one policeman swears that Fielden drew a revolver and fired at the police while he was standing on the wagon and before the bomb was thrown, while some of the others testified that he first climbed down off of the wagon and fired wile standing by a wheel. On the other hand, it was proven by a number of witnesses and by facts and circumstances that this evidence must be absolutely untrue. A number of newspaper reporters who testified on the part of the state said that they were standing near Fielden, much nearer than the police were, and heard all that was said and saw what was done; that they had been sent there for that purpose, and that Fielden did not make any such threats as the police swore to and that he did not use a revolver. A number of other men who were near, too, and some of them on the wagon on which Fielden stood at the time, swear to the same thing. Fielden himself swears that he did not make any such threats as the police swore to, and further, that he never had or used a revolver in his life. But if there were any doubt about the fact that the evidence charging Felden with having used a revolver is unworthy of credit, it is removed by Judge Gary and State's Attorney Grinnell on Nov. 8, 1887, when the question of commuting the death sentence as to Fielden was before the governor. Judge Gary wrote a long letter in regard to the case in which, in speaking of Fielden, he, among other things, says:

*There is in the nature and private character of the man a love of justice, an impatience at undeserved sufferings, * * * In his own private life he was the honest, industrious and peaceful laboring man. In what he said in court before sentence he was respectful and decorous. His language and conduct since have been irreproachable. As there is no evidence that he knew of any preparation to do the specific act of throwing the bomb that killed Degan, he does not understand even now that general advice to large masses to do violence makes him responsible for the violence done by reason of that advice. * * * In short, he was more a misguided enthusiast than a criminal conscious of the horrible nature and effect of his teachings and of his responsibility therefor.*

The state's attorney appended on the foregoing a letter beginning as follows:—

"While indorsing and approving the foregoing statement by Judge Gary, I wish to add thereto the suggestion * * * that Schwarb's conduct during the trial and when addressing the court before sentence, like Fielden's, was decorous, respectful to the law and commendable. * * *It is my further desire to say that I believe that Schwab was the pliant, weak tool of a stronger will and more designing person. Schwab seems to be friendless."

If what Judge Gary says about Fielden is true; if Fielden has a natural love of justice and in his private life was the honest, industrious peaceable laboring man, then Fielden's testimony is entitled to credit, and when he says that he did not do the things the police charge him with doing and that he never had or used a revolver in his life, it is probably true, especially as he is corroborated by a number of credible and disinterested witnesses.

Again, if Fielden did the things the police charged him with doing, if he fired on them as they swear, then he was not a mere misguided enthusiast who was to be held only for the consequences of his teachings, and if either Judge Gary or State's Attorney Grinnell had placed any reliance on the evidence of the police on this point they would have written a different kind of a letter to the then executive.

In the fall of 1887 a number of the most prominent business men of Chicago met to consult whether or not to ask executive clemency for any of the condemned men. Mr. Grinnell was present and made a speech, in which in referring to this evidence he said that he had serious doubts whether Fielden had a revolver on that occasion or whether indeed Fielden ever had one.

Yet, in arguing the case before the supreme court the previous spring, much stress was placed by the state on the evidence relating to what Fielden did at the Haymarket meeting, and that court was misled into attaching great importance to it.

It is now clear that there is no case made out against Fielden for anything that he did on the night, and, as heretofore shown, in order to hold him and the other

defendants for the consequences and effects of having given prenicious, and criminal advice to large masses to commit violence, whether orally in speeches or in print, it must be shown that the person committing the violence had read or heard the advice, for until he read or heard it he did not receive, and if he never received the advice it cannot be said that he acted on it.

At the conclusion of the evidence for the state Carter H. Harrison, then Mayor of Chicago, and E. S. Winston, then coporation counsel for Chicago, were in the court-room and had a conversation with Mr. Grinnell, the state's attorney, in regards to the evidence against Neebe, in which conversation, according to Mr. Harrison and Mr. Winston, the state's attorney said that he did not think he had a case against Neebe and that he wanted to dimiss as to him, but was dissuaded from doing so by his associate attorneys, who feared that such a step might influence the jury in favor of the other defendants.

Mr. Harrison, in a letter, among other things, says :

"I was present in the courtroom when the state closed its case. The attorney for Neebe moved his discharge on the ground that there was no evidence to hold him on. The state's attorney, Julius S. Grinnell, and Fred S. Winston, corporation counsel for the city, and myself were in earnest conversation when the motion was made. *Mr. Grinnell stated to us that he did not think there was sufficient testimony to convict Neebe.* I thereupon earnestly advised him, as the representasive of the state to dismiss the case as to Neebe, and, if I remember rightly, he was seriously thinking of doing so, but on consultation with his assistants and on their advice, he determined not to do so, lest it would have an injurious effect on the case as against the other prisoners. * * * I took the position that such discharge, being clearly justified by the testimony, would not prejudice the case as to the others."

Mr. Winston adds the following to Mr. Harrison's letter :

"MARCH 21, 1889—I concur in the statement of Mr. Harrison. I never believed there was sufficient evidence to convict Mr. Neebe, and so stated during the trial.

F. S. WINSTON."

In January, 1890. Mr. Grinnell wrote a letter to Governor Fifer, denying that he had ever made any such statement as that mentioned by Mr. Harrison and Mr. Winston; also that he did believe Neebe guilty : that Mr. Harrison suggested the dismissal of the case as to Neebe, and further, that he would not have been surprised if Mr. Harrison had made a similar suggestion as to others, and then he says : I said to Mr. Harrison at the time substantially that I was afraid that the jury *might not think the testimony presented in the case sufficient to convict Neebe, but that it was their province to pass upon it.*

Now, if the statement of Messrs. Harrison and Winston is true, then Mr. Grinnell should not have allowed Neebe to be sent to the penitentiary; and even if we assume that both Mr. Harrison and Mr. Winston are mistaken, and that Mr. Grinnell simply used the language he now says he used, then the case must have seemed very weak to him. If, with a jury prejudiced to start with, a judge pressing for conviction, and amid the almost irresistible fury with which the trial was conducted, he still was afraid the jury might not think the testimony in the case sufficient to convict Neebe, then that testimony must have seemed very weak to him, no matter what he might now protest about it.

When the motion to dismiss the case as to Neebe was made, defendants' counsel asked that the jury might be permitted to retire while the motion was being argued, but the court refused to permit this, and kept the jury present where it could hear all that the court had to say, then when the argument on the motion was begun by defendants' counsel the court did not wait to hear from the attorneys from the state, but at once proceeded to argue the points itself with the attorneys for the defendants, so that while the attorneys for the state made no argument on the motion, twenty-five pages of the record are filed with the colloquy or sparring that took place between the court and the counsel for the defendants, the court in the presence of the jury making insinuations as to what inference might be drawn by the jury from the fact that Neebe owned a little stock in a paper called the *Arbeiter Zeitung* and had been seen there, although he took no part in the management until after the Haymarket troubles, it appearing that the *Arbeiter Zeitung* had published some very seditious articles with which, however,

Neebe had nothing to do. Finally one of the counsel for the defendants said: "I expected that the representative of the state might say something, but as your honor saves them that trouble, you will excuse me if I reply briefly to the suggestions you have made." Some other remarks were made by the court, seriously affecting the whole case and prejudicial to the defendants, and then, referring to Neebe, the court said:

"Whether he had anything to do with the dissemination of advice to commit murder is, I think, a debatable question which the jury ought to pass on."

Finnally the motion was overruled. Now, with all of the eagerness shown by the court to convict Neebe, it must have regarded the evidence against him as very weak, otherwise it would not have made this admission, for if it was a debatable question whether the evidence tended to show guilt, then that evidence must have been far from being conclusive upon the question as to whether he was actually guilty; this being so, the verdict should not have been allowed to stand, because the law requires that a man shall be proved to be guilty beyond a reasonable doubt before he can be convicted of a criminal offense. I have examined all of the evidence against Neebe with care and it utterly fails to prove even a shade of a case against it. Some of the other defendants were guilty of using seditious language, but even this cannot be said of Neebe.

It is further charged with much bitterness by those who speak for the prisoners that the record of the case shows that the judge conducted the trial with malicious ferocity and forced eight men to be tried together; that in cross-examining the state's witnesses he confined counsel for the defense to the specific points touched on by the state, while in the cross-examination of the defendants' witnesses he permited the state's attorney to go into all manner of subjects entirely foreign to the matters on which the witnesses were examined in chief; also that every ruling throughout the long trial on any contested point was in favor of the state, and, further, that page after page on the record contains insinuating remarks of the judge, made in the hearing of the jury, and with the evident intent of bringing the jury to his way of thinking; that these speeches, coming from the court, were much more damaging than any speeches from the state's attorney could possibly have been; that the state's attorney often took his cue from the judge's remarks; that the judge's magazine article, recently published, although written nearly six years after the trial, is yet full of venom; that, pretending to simply review the case, he had to drag into his article a letter written by an excited woman to a newspaper after the trial was over, and which therefore had nothing whatever to do with the case and was put into the article simply to create a prejudice against the woman, as well as against the dead and the living, and that, not content with this, he in the same article makes an insinuating attack on one of the lawyers for the defense, not for anything done at the trial, but because more than a year after the trial, when some of the defendants had been hanged, he ventured to express a few kind, if erroneous, sentiments over the graves of his clients, whom he at least believed to be innocent. It is urged that such ferocity or subserviency is without a parallel in all history; that even Jeffries in England contented himself with hanging his victims, and did not stop to berate them after they were dead.

These charges are of a personal character, and while they seem to be sustained by the record of the trial and the papers before me, and tend to show that the trial was not fair, I do not care to discuss this feature of the case any farther, because it is not necessary. I am convinced that it is clearly my duty to act in this case for the reasons already given, and I therefore, grant an absolute pardon to Samuel Fielden, Oscar Neebe and Michael Schwab this 26th day of June, 1893.

JOHN P. ALTGELD,
Governor of Illinois.

* * *

The Eighth National Convention of the Socialist Labor Party, assembled at Chicago, July 2, 1893, adopted unanimously the following resolution, and ordered it, together with Gov. John P. Altgeld's Statement in full, to be printed in pamphlet form:

"Whereas, Gov. Altgeld has pardoned Schwab, Neebe and Fielden, who were as Anarchists confined in the penitentiary; and,

"Whereas, he has stated his motives for doing so; therefore be it

"RESOLVED, That we, the delegates of the Socialist Labor Party, take this opportunity to express our admiration for Gov. Altgeld of Illinois, because of his frank and courageous statement of the reasons for which he exercised his prerogative in said case. We have during the past years so often declared our strong opposition to Anarchistic logic and principles, and have done so in such vigorous and unmistakable terms, that we deem a repetition unnecessary; nevertheless, we have not failed to see in the trial and the conviction of the Anarchists, not the justice which is meted out to the meanest criminal, but the result of that class hatred and class justice, which at all times has been most cruel. There is nothing new to the student of history in the fact that when classes are arrayed against each other the ordinary forms of criminal procedure are resorted to in order to cover up persecution; that in such cases opinions and the expressions of opinions, and not the actual perpetration of crime is punished, and that malice and hatred are clothed in the garb of 'Justice.' Contemporaries who are blinded by prejudice and class feeling are unable to see this, and may, unconsciously, act in the honest belief of being just. But if shortly afterward a man in the official capacity of Governor lays bare the injustice committed under the strong feeling of that time, and has the courage to encounter strong prejudices he deserves commendation and admiration."

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THE MODERN TRAGEDY.

DOWNFALL OF THE SMALL PRODUCER.

The Rise and Effect of Private Monopoly—The Death Struggle of the Small Farmer and Artisan—Their Inability to Hold Their Own—Either Collective Ownership of Capital, or Final Subjugation of the People.

Adapted for THE NEW YORK PEOPLE, from K. KAUTSKY.

Socialism maintains that:

1. The economic development of the capitalist social system leads with the certainty of doom to the downfall of small production, whose foundation is the private ownership by the worker in his means of production—machinery, tools, land, etc.; it divorces the worker from his means of production and transforms him into a propertiless proletarian, while the means of production themselves become the monopoly of a comparatively small number of capitalists and landlords.

2. Hand in hand with this monopolization of the means of production proceeds the crowding away of the disjointed small industries by colossal concerns, the development of the tool into a machine, and the gigantic increase in the productive capacity of human labor. But all the advantages of this transformation are monopolized by the capitalists and landlords. To the proletariat and the sinking middle classes—artisans, small farmers, etc.—it means only greater uncertainty of livelihood, and increase of misery, oppression, vassalage, degradation and exploitation.

3. The number of the proletariat grows larger and larger; the army of superfluous workers swells ever more and more; the contrast between exploiters and exploited grows ever sharper; and ever bitterer grows the class struggle between capitalists and proletarians, which divides modern society into two hostile armies, and is the distinguishing characteristic of all industrial countries.

4. The chasm between the property holders and the propertiless is further widened by the crises which are inherent in the capitalist system of production, which spread over an ever-increasing area and become ever more destructive, which raise the popular uncertainty in the earning of a livelihood into a normal

condition of society, and which furnish proof positive that the productive powers of modern society have grown over its head, and that the system of private ownership of the means of production has become irreconcilable with the adequate application and complete development of these productive forces.

Many a fellow imagines he has said something clever when, in opposition to this, he declares: "There is nothing new under the sun; as things are to-day, so have they ever been and so will they ever be." Yet is there no more mistaken and foolish assertion than this. Modern science has proved that nothing is at a standstill; society, like nature, undergoes a steady development.

Production, whether in agricultural or industrial pursuits, starts with the labor of the individual alone, or of individual families. The productivity of such efforts is slight. So long as this stage lasts industry is carried on upon a small scale. At this stage, at the stage of small production, the product depends wholly upon the laborer, upon his personality, his diligence, his powers of endurance. As a result of this, he appropriates his own product as his personal property. But this individuality in production cannot be developed by the laborer unless he is personally free and can freely dispose of his means of production; in other words, unless these means of production are his private property. Private property in the means of production is the basis of small production.

Now, it is this very ownership by the small producers in their means of production that the economic development of capitalism destroys, and thereby it abolishes the system of small production and the small producers themselves.

The stages by which this development takes place are at first imperceptible, until the stages of manufactory and finally of the factory itself are reached. In this development machinery plays a gigantic role. By its introduction the capitalist system was finally placed in possession of a weapon which enabled it to overcome easily all opposition, and turned the course of economic development into a triumphal march for capital. This march was further accelerated by the invention of the steam power, which by degrees conquered all the industrial nations of the world. The productivity of labor was thereby multiplied many thousandfold. Communication and transportation were in their turn revolutionized. Prices tumbled down in proportion as merchandise became more plentiful; and in proportion as this process went and still goes on small production, and with it the small producer, went, and is going, by the board. To attempt to compete with production on a large scale, propelled by steam and electricity, is an act of despair on the part of the small farmer or city industrialist; neither can produce as plentifully, hence as cheaply, as the perfected factory or large farm; their prices must be higher than the market can afford, and their downfall is but a question of time. That there should still be as many small farmers and industrialists as there are to-day is simply an evidence of the capacity of man for starvation.

The complete disappearance of small production is, however, not the first act of a tragedy that may be entitled "The Downfall of Small Production." The first effect of capitalist competition is that the artisan—and what is said of him holds good at all points of the small farmer—begins to throw into the breach, one after another, all the savings of his own industry, together with such as may have come down to him from previous generations. The small fellow grows poor; to stem his decline he becomes more industrious; the hours of labor are lengthened, and drawn deep into the night; wife and children are dragged into the vortex; yet all this, notwithstanding the extreme lengthening of the hours of labor and the feverish activity that affords him neither pause nor rest, the quantity of food he consumes becomes steadily less, and the expenses for household and clothing suf-

fer ever increasing retrenchment. There is no existence more miserable than that of the small farmer or small industrial producer who is endeavoring to hold his own in competition with a large agricultural or industrial producer.

There is no little truth in the saying that the wage-earner of to-day is better off than the small farmer or the small industrial producer. Those who most frequently use this phrase mean to imply thereby that the wage-worker has no reason to complain. This statement is, however, a boomerang that hits, not the Socialists, but the advocates of capitalism. If, indeed, those who are wholly propertiless are better off than those small producers who still have some property left, of what use can property be said to be to the latter? If the artisan and the small farmer stick to their small production, although they could earn more in the factory as wage-workers, simply because they still retain some property, it is evident that their property hurts rather than benefits them. To the small producer, whether agricultural or industrial, his little property has been transformed from a shield against into a bond that fetters him to misery. To him the effect of private ownership in the means of production has changed character; that which a hundred years ago was a blessing to his class has now become a curse.

But, it may be objected, this misery is the price which the small agricultural or industrial producer pays for the greater degree of independence which he enjoys over the wage-worker, who is wholly propertiless. Even this is false! Wherever small production is forced into competition with large production, the former sinks quickly into complete dependence upon the latter. The artisan becomes an appendage to the establishment of the capitalists; his home becomes an outhouse of the factory, or he sinks still lower. And as to the small farmer, to whom it is impossible to stand up against capitalist competition as farmer, he is forced either to take up some industrial pursuit in his home as the employee of capital, or he is bound to hire out either himself or members of his family as wage-workers to the large farmer. What has become of the independence of these? Their little property is the only thing that distinguishes them from the proletarian, and it is this very property that prevents them from taking advantage of the best opportunities to labor; it rivets them to their own threshold, with the effect of making them more dependent than the wage workers who are wholly propertiless. Observation shows that private ownership in the means of production not only increases the physical misery, but also the dependence of the small holder. The effect of these small holdings has wholly changed character; before the days of large production these small holdings were a bulwark of freedom; to-day they are a means of slavery.

Another contention is that such small holdings vest in the producing small farmer or artisan the product of his labor. Where this is true it is but a trifling consolation, considering that the declining prices brought on by large production render the product of these small producers insufficient for their domestic needs. But even this consolation is mainly illusory. It does not hold good in most cases; for instance, it is wholly false in the cases of those who are in debt. The usurer who has a mortgage on a farm has a stronger claim upon the labor of the farmer than the farmer himself. The usurer must be first satisfied, only what is left falls to the farmer; whether this remainder suffices to support the farmer and his family does not concern the usurer. Accordingly, the small agricultural and industrial producers work as absolutely for the capitalist as does the wage-worker. The only difference established between them by the private property of the former is that the wages of the propertiless workmen is, in general, controlled by their needs, while in the case of the small property holders, there is no limit down-

word; it frequently happens that interest on mortgages will absorb the whole product of the labor of the small holder. In that case he has worked for nothing and paid his own expenses to boot—all this, thanks to his ownership of a little property!

What can be the result of this painful wrestling of the small with the gigantic power of the large producer? What future is there in store for the small agricultural and industrial producer as a reward for his thrift and his industry, and of his having dragged his wife and children with him into slavery at the cost of their physical and mental ruin? The reward for all this is bankruptcy, their final divorce from all means of production, their downfall into the class of the proletariat.

This is the inevitable result of the economic development in modern society, a result that is as inevitable as death itself. The same as death may appear as a deliverer to him who is afflicted with a painful disease, so does bankruptcy, too, often present itself as a deliverer to him who was bound down by the burden of small property. Such is the degradation and misery of the small producers that it is doubtful whether it is not less charitable to keep them up in their present condition, and thereby defer the day of their final downfall into the class of the proletariat, than actually to hasten the process. Because, let it be remembered, it can only be a question of deferring their final downfall; to reinstate the small producer in his pristine vigor is simply impossible in these days of steam and electricity.

This is a bitter truth to those who are interested in the upholding of the present social system, because the small farmer and the small city producer are recognized as the main props of the present system of private ownership in the means of production. For this reason the exploiting class is beating about for panaceas to save the small producer. The woods are full of quacks ready with specifics for absolute cure. In most cases these specifics are old. They have all shown their uselessness or their harmfulness. At best they can be useful only to a favored few, who may thereby be enabled to drop their small production and swing themselves up into the category of large producers, i. e., capitalists—at the expense, of course, of their less favored comrades, out of whose class they have raised themselves.

All the "social reforms," all the schemes to save the small farmer and small producer generally, may be compared, in so far as they are at all effective, with a lottery: a few may make a hit, but the large majority draw only blanks, and must foot not only the bills of the happy few who draw the prizes, but also of the whole scheme. If a poor devil who holds in his pocket a lottery ticket were to imagine himself rich because of it, he would be considered a fool. And yet this is exactly the mental condition of but too many small agricultural and industrial producers. They imagine they are that which they would like to be, not what they are in fact; they carry themselves as capitalists, yet are they not a whit better off than proletarians.

Present or prospective proletarianism is the lot of the masses of our people, if the capitalist system of production is to remain in force. Freedom cannot be conquered or reconquered without the national, collective, ownership of the means of production; without, in a word, the co-operative commonwealth.

THE CRISIS.

Its Cause and Cure as Explained and Proposed by Socialism.

By Karl Ibsen.

With the advent of the present crisis, which is sweeping through the country like a cyclone, hundreds of thousands of workmen are thrown into idleness, and poverty is augmented to an unprecedented degree. The unemployed, unwilling to slowly die of starvation, insist upon the common rights of humanity, and demand work or bread.

In the presence of this great army of the unemployed and their atrocious misery, even the capitalistic press has not the hardihood to deny the presence of poverty among the so-called free, independent and highly protected workmen of the United States, whose condition and wages have heretofore been alleged to be immeasurably superior to those of the "pauper labor of Europe."

But although there is perfect agreement among all stratas of our population as to the presence of the crisis, there is considerable difference of opinion as to its cause, and the means necessary to arrest its progress, and prevent overwhelming disaster.

According to the Republican press, the crisis is due to probable Democratic tariff tinkering. The journals of Democracy blame the crisis on the evil effects of the Sherman act, while the great mass of farmers, and a considerable number of wage earners demand free and unlimited coinage of silver as a remedy necessary to bring us out of the present industrial chaos, which they unwittingly attribute to a scarcity of the circulating medium.

We Socialists therefore are in duty bound

to do our part toward clarifying the public mind relative to the causes which underlie the present business depression, and to point out that while all the above alleged causes have contributed to the present manfestation, they are not the main, moving factors of the depression.

When an organism is once thoroughly permeated with the virus of disease; when the circulating tubes of its life-fluid have become overcased and stopped, it requires only the combination of very small factors to percipitate the collapse of the entire system.

Identically herewith are the progressive steps of the present crisis; let us therefore view the parallelism of the enigma confronting us briefly and succinctly:

The manufacturer invests in productive enterprises, not because he has orders, but because he believes that the finished product of his special industry will find a ready market. The merchant makes precisely the same sort of a calculation, and orders goods only with a view of being able to dispose of them again.

And then modern gigantic production, machine equipped and science directed, like unto a prize-dance, begins its wild gallop intent only on first reaching the market.

But the radius in which the commodities produced by labor can be disposed of, has been materially contracted, and therefore every decade of the past has been characterized by a financial crisis, resulting in business depressions in all the industrial countries of the globe.

Present modern production has become mutual, fraternal, social. 50, 100, 1,000, 10,000 workmen socially contribute their efforts, as separate, simple factors of a complex industrial organism, fortified and supported by all the latest achievements of industrial development and mechanic science. As a result of these improved conditions, the efficiency of labor and the productiveness of toil has been largely augmented, and is being constantly increased and enlarged. The result of this is an undreamed and emancipated productiveness, unparalleled in the industrial history of the world.

Reasonably, this increased productivity of labor ought to surround the producers with increased comforts and banish all need and misery from their ranks; but contrary to this we see, that the more the efficiency of labor increases, the more treasure there is accumulated, the more poverty envelopes the working class, because the laborer only receives in wages a small portion of the value of his product, while the lion's share thereof, through the conduit pipe of the wage system, flows into the coffers of capitalism, in recognition of, and payment for, the use of the means of production, of which it is sole, exclusive and legal possessor.

Thus the laborer is annually compelled to produce $1,789 worth of goods (Census of 1880, see Dr. Geo. E. Stiebeling's Economic Development of the United States, 1886, page 10,) and receives therefore, in wages, an average of $350 per annum, only. There are, consequently, $1,448 worth of goods annually produced by labor, over and above the purchasing power of $350 to buy. The capitalist must therefore look elsewhere for consumers, in order to reduce the surplus which the wages of the producer does not enable him to absorb. In proportion as modern giant factory production is developed, and the more men are degraded into mere wage earners, the smaller grows the prospect of disposing of such industrial excess and surplus in the domestic or "home market," and capitalism is therefore forced to seek a foreign market, and enter into competition with all rivals in the markets of the world.

But the manufacturers of the United States are not isolated in this respect, for all modern industrial countries: England, Germany, France, Belgium etc., are effected with the same congestion, and are endeavoring to dispose of their commodity surplus in the world market. Naturally, the larger the number of nations contending for industrial supremacy, or participating as suppliers, the smaller must be the portion of

demand or consuming demand, apportionable.

Countries which previously drew their supplies from abroad, are fostering home industries, and are changing from customers to competitors, from consumers of our goods, to producers of like goods, and thus daily narrow and circumscribe our markets, and intensify the competitive international struggle. For this reason the markets are annually divided among an enlarged number of competitors, and in the endeavor to maintain or retain markets, prices must be cut so close as to force rival domestic producers to checkmate each other, and mechanical invention and industrial revolutions are but but the constant resorts of capital to prevent, check or delay, financial ruination. And thus oil is furnished to the conflageration!

The domestic or home market must therefore remain the principal objective point of all competition factors, and must be relied on to furnish the largest member of consumers. And in this home market the great mass of consumers, i. e. the producers and wage earners, are being constantly crippled with wage reductions and longer periods of enforced idleness, all of which greatly reduce the purchasing and consuming power. As a consequence we have a superabundance of goods on the one hand, and thousands of idle workmen unable to purchase the necesseries of life, on the other hand. Therefrom result the abnormal and colossal accumulation of comodities, such a congestion of surplus products, which compell a complete or partial cessation of industrial activity, until such surplus shall have been sacrificed in order to make shelf-room for newer goods, later patterns, and better designes.

In such condition the industries of the United States at present find themselves; a condition of overproduction caused by underconsumption of the working classes, who cannot buy back with their decreased wages, the products of their labor power, wonderfully augmented by the increased efficiency of modern invention and industrial mechanical achievements.

For years past, economists and statisticians have foretold the present crisis, basing their predictions on the increased labor efficiency and the contracted or divided market demand. The crisis, therefore, has been ripening, and in the natural order of events would have reached culmination; but its outbreak has been percipitated by insecure financial conditions, hence we have an onrush of disaster, a cyclone-like confrontation, which staggers national industry, and baffles modern statesmanship!

"Scarcity of money" cry the mortgage-burdened farmers and a great portion of such workers as have not yet arrived at a clear understanding of the real cause of the present industrial depression, and from thence originates also the demand for free and unlimited coinage of silver—from 2,000 to 3,000 millions of new "In God We Trust" silver is to be coined!

The gross exchange required by business transactions in the United States during the past year, amounted to nearly 162,000 millions of dollars; eight per cent, of which only consisted of legal tender, and 92 per cent of negotiable paper, i. e. checks, notes etc., which are acceptable *on 'change* only so long as confidence in the earning power of labor and the dividend-declaring power of invested capital is not jeopardized by economic conditions and competitive factors.

In view of such facts, what would the issuance of 2,000 millions of any kind of additional legal tender amount to as compared with 150,000 millions of negotiable paper which has come to be a necessity of modern business requirement? Certainly they would not suffice to obviate, alleviate, or banish the crisis!

Before the latter can be abolished, confidence in the earning power of labor must be restored, and therefore free silver coinage can contribute nothing to the needs of the hour.

The manufacturer seeks the necessary funds through his bank, depositing there-

fore "acceptable paper" which derives its value from the possible and probable earning power of the employed labor; it is "made out" and "accepted" in the *belief* and *anticipation* that before such paper falls due, goods of value sufficient to make good and cover the amount of money advanced, shall have been sold and collections therefore made.

So long as business is good and trade is brisk, all such secret financial transactions run along as though they had been promptly oiled and amply lubricated; but as soon as goods begin to pile up and accumulate, trade slackens and business stagnates, a different aspect appears!

In such a time, the manufacturer cannot realize on his outstanding bills; and lacking ready cash, he will be "accomodated" with an "extension" only in case his assests overwhelmingly cover measured liabilities.

Such cases are not isolated; they are in fact, numerous; many firms need money in such trying times as these and demand for accommodations pressing supply, the inevitable results—banks become cautious in the matter of "loans" and "advances" and faith in the power of paper seeks and searches for a sure foundation.

Every positive hath its negative.

Banks insist upon realization. All out, nothing in, cripples business and reduces dividends. The necessities of business are the banker's opportunities. The screws are turned. Down goes one, followed by other manufacturers; and bankruptcy hath her hour of triumph. Allured by high dividend prospects, banks have advanced money on very questionable securities. They, too, become involved, not being able to "realize immediately."

'Tis an oft-told tale, a crash, and all is over, and down with it go other banks, similarly situated, carrying paper which cannot be realized upon. Small depositors, sharing the general unrest and lack of confidence, lift their accounts, and add to the universal chaos.

Financial swinery is triumphant.

But the solid banks agglomerate all available funds and prepare to present an undaunted frontlet to all comers and "runs."

Available legal tender circulation is thus diminished, and negotiable paper has come to play but a small part in business transactions. Confidence in such paper is re-established only after a part of the commodity excess has been disposed of, and room made for new goods for which demand has been sharpened.

The coinage of several thousand millions of silver dollars would result only in a depreciation of currency, and consequently an increase in the price of every commodity of commerce, as well as the necessities of life.

To compensate for this, the workers must move for, and obtain, an increase in wages. How almost impossible that is, under present circumstances, every toiler knows.

The cry for free and unlimited silver coinage may therefore be very appropriate when coming from a silver mine operator or a mortgage burdened farmer, who desires to pay $1.00 worth of debt with 60 cents worth of silver, (40 per cent. of fictitious value having been added by fiat, for domestic transactions only for foreign nations with whom we trade, will not accept our silver except at such bullion value as is commercially fixed in the world's market,) but coming from wage earners, such demand only demonstrates a deplorable lack of comprehension of the real condition of affairs.

We have seen that the crisis is the result of the present system of planless production, and its consequent and inherent exploitation of the working classes.

From the moment in which exploitation is abolished, and the producer, instead of receiving ¼ of the value of his labor product in wages, receives the full value thereof, the cause and occasion of all panics vanish, and millionaires and paupers become impossibilities.

In their place the Commonwealth of the people will be enthroned. In order to obtain such results, the demand for more silver is not pertinent, but the transference of all the means of production from Capitalism to the hands of the People.

And to accomplish this, the working class must separately organize for political action, and under one banner take up the class struggle for final emancipation.

The Socialist Labor Party of all countries has for years past uncompromisingly done pioneer service on these lines. In Europe she is marching to political victory with accelerated speed, and everywhere is convinced that the intellectual portion of the laboring class must soon or late rally under the banner of Socialism, for unto our principles alone the vast future belongs.

FELLOW-WORKMEN! Think of the truths herein elucidated, and the facts cited and applied.

If you find our presentation of the causes of industrial depressions well founded, duty compells you to identify yourselves with us and take position among the rank and file of the Socialist Labor Party for the emancipation of the working class, and the institution of the Co-operative Commonwealth.

THE END.

What Socialists Want.

EVERY human being to be well housed, clothed, fed and educated.

The adoption of a social and industrial system that will put an end to profit, interest, rent and all forms of usury.

Land, water, machinery, all the means of production and distribution, and all the available forces of nature to be owned by and operated for the benefit of the whole people.

The gradual elimination, and finally the abolition, of all useless and unproductive toil.

The work-day to be as short as the needs of the people will permit—about four hours per day, if possible.

Every person of suitable age, and physical and mental ability, must work or starve. "He that will not work shall not eat."

No Child Labor!

Every one to receive the full value of his or her labor.

A higher standard of living, and a higher plane of morals as the result, thus securing enjoyment for all.

These reforms to be achieved by agitation, education, organization and the intelligent exercise of the BALLOT!

The above is a brief summary of the measures to be accomplished to secure the establishment of the CO-OPERATIVE COMMONWEALTH.

For further information read **THE PEOPLE**, the organ of the SOCIALIST LABOR PARTY, a weekly paper devoted to the interests of the toiling masses. Publication Office, 184 WILLIAM STREET, NEW YORK CITY.

Attend the Free Public Lectures and Debates every Sunday Evening at eight o'clock. Commencing in September they are continued until May following. By consulting THE PEOPLE you will find where these meetings are held from Sunday to Sunday, with the names of speakers and the subjects discussed.

You may ask questions or take part in the Debate.

The most important thing is to vote the ticket of the Socialist Labor Party. If you do not, then cease to prate about hard times. They are the natural result of the iniquitous, miserable, social and industrial system under which you live. Do not whine, beg or threaten! VOTE! Vote it out of existence!

☞ The SOCIALIST vote in New York State last Fall was TWENTY THOUSAND!

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